Electronically Filed
5/25/2023 9:14 AM
Steven D. Grierson
CLERK OF THE COURT

NOASC

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TALEEN R. PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734
200 Lewis Street
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

Electronically Filed
May 31 2023 01:43 PM
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
v.
RICHARD DEVRIES,
#3001333,
Defendant.

Case No. C-22-365585-1
Dept. No. X

NOTICE OF APPEAL

TO: RICHARD DEVRIES, Defendant; and

TO: RICHARD A. SCHONFELD, ESQ., Counsel for Defendant; and

TO: TIERRA JONES, District Judge, Eighth Judicial District Court, Dept. No. X.

NOTICE IS HEREBY GIVEN THAT THE STATE OF NEVADA, Plaintiff in the above entitled matter, appeals to the Supreme Court of Nevada, pursuant to NRS 34.575(2) & (3) from the Order the district court filed on May 1, 2023, granting in part and denying in part defendant's pre-trial Petition for Writ of Habeas Corpus, specifically the striking of the gang enhancement on all counts in which it was charged.

Dated this 25th day of May, 2023.

STEVEN B. WOLFSON,
Clark County District Attorney

BY */s/ Taleen R. Pandukht*
TALEEN R. PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734

Docket 86647 Document 2023-17062

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that service of the above and foregoing was made this 25th day of May, 2023, by electronic transmission to:

RICHARD A. SCHONFELD, ESQ..
Email: rschonfeld@cslawoffice.net

JUDGE TIERRA JONES
Email: drivert@clarkcountycourts.us

TALEEN R. PANDUKHT
Chief Deputy District Attorney

BY */s/ E. Davis*
Employee, District Attorney's Office

TRP//ed

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Steven D. Grierson
CLERK OF THE COURT

ASTA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TALEEN R. PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734
200 Lewis Street
Las Vegas, Nevada 89155-2212
(702) 671-2750
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, -vs- RICHARD DEVRIES, #3001333, Defendant.	Case No. C-22-365585-1 Dept. No. X

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

The State of Nevada

2. Identify the judge issuing the decision, judgment, or order appealed from:

Judge Tierra Jones

3. Identify all parties to the proceedings in the district court:

RICHARD DEVRIES

The State of Nevada

4. Identify all parties involved in this appeal:

RICHARD DEVRIES

The State of Nevada

5. Name, law firm, address, and telephone number of all counsel on appeal and party or parties whom they represent:

TALEEN R. PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734
Office of the Clark County District Attorney
Regional Justice Center
200 Lewis Avenue
Post Office Box 552212
Las Vegas, Nevada 89155-2212
(702) 671-2750

Counsel for Appellant
State of Nevada

RICHARD A. SCHONFELD, ESQ.
Nevada Bar #006815
Chesnoff & Schonfeld
520 S. Fourth Street, 2nd Floor
Las Vegas, Nevada 89101
(702) 384-5563

Counsel for Respondent
Richard Devries

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appointed

7. Indicate whether appellant is represented by appointed or retained counsel on appeal: Appointed

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: N/A

9. Date proceedings commenced in the district court:

Indictment filed June 10, 2022.

DATED this 25th day of May, 2023.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar # 001565

BY */s/ Taleen R. Pandukht*
TALEEN R. PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734
Office of the Clark County District Attorney

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that service of the above and foregoing CASE APPEAL STATEMENT was made May 25, 2023, by electronic transmission to:

RICHARD SCHONFELD, ESQ.
Email: rschonfeld@cslawoffice.net

JUDGE TIERRA JONES
Email: drivert@clarkcountycourt.us

BY */s/ E. Davis*
Employee, District Attorney's Office

TRP//ed

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05/25/2023 11:47 AM
CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RICHARD DEVRIES,
#3001333

Defendant.

CASE NO: C-22-365585-1

DEPT NO: X

ORDER FOR TRANSCRIPT

Upon the ex-parte application of the State of Nevada, represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through, TALEEN PANDUKHT, Chief Deputy District Attorney, and good cause appearing therefor,

Dated this 25th day of May, 2023

IT IS HEREBY ORDERED that a transcript of the Hearing heard on the **3rd day of May, 2023**, be prepared by VICTORIA BOYD, Court Recorder for the above-entitled Court.

DATED this _____ day of May, 2023.

DISTRICT JUDGE

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

504 713 6D06 C347
Tierra Jones
District Court Judge

BY */s/ Taleen Pandukht*
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734

TP//ed

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-365585-1
vs	DEPT. NO. Department 10
Richard Devries	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 5/25/2023

Richard Schonfeld	rschonfeld@cslawoffice.net
Rosemary reyes	rreyes@cslawoffice.net
Dept 10 Law Clerk	dept10lc@clarkcountycourts.us
Thomas Pitaro	pitaro@gmail.com
Joseph Reiff	lvtkt3887000@gmail.com
John Spilotro	amy@spilotroandkulla.com
Daniel Gilliam	PDwiznet@ClarkCountyNV.com
Lance Hendron	lance@hlg.vegas
Augustus Claus	tclaus@ataclaw.com
DA's Office	motions@clarkcountyda.com
MICHAEL DICKERSON	michael.dickerson@clarkcountyda.com

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CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RICHARD DEVRIES,
#3001333

Defendant.

CASE NO: C-22-365585-1

DEPT NO: X

ORDER FOR TRANSCRIPT

Upon the ex-parte application of the State of Nevada, represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through, TALEEN PANDUKHT, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that a transcript of the Hearing heard on the **31st day of March, 2023**, be prepared by VICTORIA BOYD, Court Recorder for the above-entitled Court.

Dated this 25th day of May, 2023

DATED this _____ day of May, 2023.

DISTRICT JUDGE

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

DB2 FE0 0FD9 7C4E
Tierra Jones
District Court Judge

BY */s/ Taleen Pandukht*
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734

TP//ed

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-365585-1
vs	DEPT. NO. Department 10
Richard Devries	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 5/25/2023

Richard Schonfeld	rschonfeld@cslawoffice.net
Rosemary reyes	rreyes@cslawoffice.net
Dept 10 Law Clerk	dept10lc@clarkcountycourts.us
Thomas Pitaro	pitaro@gmail.com
Joseph Reiff	lvtkt3887000@gmail.com
John Spilotro	amy@spilotroandkulla.com
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Augustus Claus	tclaus@ataclaw.com
DA's Office	motions@clarkcountyda.com
MICHAEL DICKERSON	michael.dickerson@clarkcountyda.com

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-22-365585-1

State of Nevada	§	Location:	**Department 10**
vs	§	Judicial Officer:	**Jones, Tierra**
Richard Devries	§	Filed on:	**06/10/2022**
	§	Cross-Reference Case Number:	**C365585**
	§	Defendant's Scope ID #:	**3001333**
	§	Grand Jury Case Number:	**21CGJ100A**
	§	ITAG Case ID:	**2539724**
	§	Lower Court Case Number:	**22CRH000552**

CASE INFORMATION

Case Type: **Felony/Gross Misdemeanor**

Case Status: **10/03/2022 Reactivated**

Offense	Statute	Deg	Date
1. CONSPIRACY TO COMMIT MURDER	200.010	F	05/29/2022
2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	05/29/2022
3. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	05/29/2022
4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	05/29/2022
5. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	05/29/2022
6. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	05/29/2022
7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	05/29/2022
8. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	05/29/2022
9. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	05/29/2022
10. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	05/29/2022
11. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	05/29/2022
12. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	202.285.1b	F	05/29/2022
13. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	202.285.1b	F	05/29/2022
14. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	202.285.1b	F	05/29/2022
15. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	202.285.1b	F	05/29/2022
16. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	202.285.1b	F	05/29/2022
17. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	05/29/2022
Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
18. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
19. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE	202.285.1b	F	05/29/2022

	INTENT TO PROMOTE, FURTHER OR ASSIST A *..*			
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
20.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
21.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
22.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
23.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
24.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
25.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
26.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
27.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
28.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
29.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT			

	OR INTO OCCUPIED VEHICLE	F	6/10/2022	
30.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
31.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
32.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
33.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
34.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
35.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
36.	DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*	202.285.1b	F	05/29/2022
	Filed As: DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE	F	6/10/2022	
37.	ASSAULT WITH A DEADLY WEAPON WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A CRIMINAL GANG	200.471.2b	F	05/29/2022
39.	RACKETEERING	207.400	F	09/22/2019

Related Cases

C-22-365585-2 (Multi-Defendant Case)
C-22-365585-3 (Multi-Defendant Case)
C-22-365585-4 (Multi-Defendant Case)
C-22-365585-5 (Multi-Defendant Case)
C-22-365585-6 (Multi-Defendant Case)
C-22-365585-7 (Multi-Defendant Case)
C-22-365585-8 (Multi-Defendant Case)

Warrants

Indictment Warrant - Devries, Richard John (Judicial Officer: Kierny, Carli)
10/03/2022 8:30 AM Returned - Served
09/23/2022 2:20 PM Active
Hold Without Bond

Indictment Warrant - Devries, Richard John (Judicial Officer: Leavitt, Michelle)
06/13/2022 11:00 AM Returned - Served
Fine: $0
Bond: **$380,000.00** **Any**

Bonds
Surety #2022-GG-000244 $100,000.00
10/7/2022 Active
Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 3, 30, 31, 32, 33, 34, 35, 36, 4, 5, 6, 7, 8, 9

Surety #2022-EE-004772 $75,000.00
6/14/2022 Active
10/7/2022 Surrendered
Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 3, 30, 31, 32, 33, 34, 35, 36, 4, 5, 6, 7, 8, 9

Surety #2022-EE-004772 $380,000.00
6/14/2022 Active
6/14/2022 Entered in Error
Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 3, 30, 31, 32, 33, 34, 35, 36, 4, 5, 6, 7, 8, 9

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-22-365585-1
Court	Department 10
Date Assigned	06/10/2022
Judicial Officer	Jones, Tierra

PARTY INFORMATION

		Lead Attorneys
Defendant	**Devries, Richard John**	**Schonfeld, Richard A.** *Retained* 7023845563(W)
Plaintiff	**State of Nevada**	**Wolfson, Steven B** 702-671-2700(W)

EVENTS & ORDERS OF THE COURT

EVENTS

DATE		INDEX
06/10/2022	Indictment *[1] Indictment*	*Index #1*
06/13/2022	Warrant *[2] Indictment Warrant*	*Index #2*
06/14/2022	Surety Bond Acceptance Notice *[3]*	*Index #3*
06/14/2022	Bail Bond *[4] $75,000.00 Bond - Bob's Bail Bond of Las Vegas 2022-EE-004772*	*Index #4*
		Index #5

06/14/2022	Media Request and Order *[5] Media Request and Order Allowing Camera Access to Court Proceedings*	
06/14/2022	Reporters Transcript *[6] Reporter's Transcript of Proceedings - Grand Jury - June 9, 2022*	*Index #6*
06/16/2022	Indictment Warrant Return *[7] Indictment Warrant Return*	*Index #7*
07/06/2022	Receipt of Copy *[8] Receipt of Copy*	*Index #8*
07/06/2022	Stipulation and Order *[9] Stipulation and Order*	*Index #9*
07/26/2022	Petition for Writ of Habeas Corpus Filed by: Defendant Devries, Richard John *[10] Petition for Writ of Habeas Corpus [Pre-Trial]*	*Index #10*
07/26/2022	Clerk's Notice of Hearing *[11] Notice of Hearing*	*Index #11*
07/27/2022	Receipt of Copy *[12] Receipt of Copy*	*Index #12*
07/27/2022	Certificate of Service Filed by: Defendant Devries, Richard John *[13] Certificate of Service*	*Index #13*
07/28/2022	Order *[14] Order for Writ of Habeas Corpus*	*Index #14*
07/28/2022	Writ of Habeas Corpus Party: Defendant Devries, Richard John *[15] Writ of Habeas Corpus*	*Index #15*
08/18/2022	Stipulation and Order *[16] Stipulation and Order to Continue Pretrial Writ Deadline, Response and Reply*	*Index #16*
08/24/2022	Media Request and Order *[17] Media Request and Order Allowing Camera Access to Court Proceedings*	*Index #17*
09/23/2022	Warrant *[18] Unsealed per Minute Order 10/03/2022; SEALED PER MINUTE ORDER 9/23/22; Superseding Indictment Warrant*	*Index #18*
09/23/2022	Superseding Indictment Filed by: Plaintiff State of Nevada *[19] Unsealed per Minute Order 10/03/2022; SEALED PER MINUTE ORDER 9/23/22; Superseding Indictment*	*Index #19*
09/23/2022	Motion	*Index #20*

	Filed By: Defendant Devries, Richard John *[20] Motion to Recall Superseding Indictment Warrant*	
09/26/2022	Opposition to Motion Filed By: Plaintiff State of Nevada *[21] State's Opposition to Defendant's Motion to Recall Superseding Indictment Warrant*	*Index #21*
09/29/2022	Reporters Transcript *[22] Unsealed per Minute Order 10/03/2022; Reporter's Transcript of Proceedings - Grand Jury - Hearing - 09/22/22 - Superseding Indictment - Volume 3*	*Index #22*
09/29/2022	Reporters Transcript *[23] Unsealed per Minute Order 10/03/2022; Reporter's Transcript of Proceedings, Grand Jury Hearing, June 30, 2022,Superseding Indictment, Volume 1*	*Index #23*
09/29/2022	Reporters Transcript *[24] Unsealed per Minute Order 10/03/2022; Reporter's Transcript of Proceedings, Grand Jury Hearing, August 25, 2022, Volume 2*	*Index #24*
10/03/2022	Media Request and Order *[25] Media Request and Order Allowing Camera Access to Court Proceedings*	*Index #25*
10/06/2022	Opposition *[26] State's Opposition to Defendants Smith, Alo & Rodriguez's Motions for Low Bail or Outright Release, and Memorandum in Support of Detention and Conditions of Release as to All Defendants*	*Index #26*
10/10/2022	Bail Bond *[28] Surety Bond posted by Bob's Bail Bonds of Las Vegas; PW# 2022-GG-000244 for $100,000*	*Index #28*
10/11/2022	Bond *[27] "Bond Surrendered; bonding company notified via mail". 2022-EE-004772*	*Index #27*
10/25/2022	Petition for Writ of Habeas Corpus Filed by: Defendant Devries, Richard John *[29] Petition for Writ of Habeas Corpus [Pre-Trial]*	*Index #29*
10/31/2022	Exhibits Filed By: Defendant Devries, Richard John *[30] Exhibits A Through E of Petition for Writ of Habeas Corpus [Pre-Trial]*	*Index #30*
11/01/2022	Order *[31] Order that Writ of Habeas Corpus Issue*	*Index #31*
11/01/2022	Writ of Habeas Corpus *[32] Writ of Habeas Corpus*	*Index #32*
11/01/2022	Writ Electronically Issued Party: Defendant Devries, Richard John *[33] Writ of Habeas Corpus*	*Index #33*
11/05/2022	Reporters Transcript *[34] Amended Reporter's Transcript of Proceedings - Grand Jury - Thursday -June 9, 2022*	*Index #34*

12/07/2022	Order *[35] Order for Enlargement of Time to File Petition for Writ of Habeas Corpus*	*Index #35*
01/12/2023	Motion to Return Filed By: Defendant Devries, Richard John *[36] Defendant's Motion For Return of Seized Property*	*Index #36*
01/12/2023	Writ of Habeas Corpus Party: Defendant Devries, Richard John *[37] Petition for Writ of Habeas Corpus (Pre-Trial)*	*Index #37*
01/12/2023	Exhibits Filed By: Defendant Devries, Richard John *[38] Exhibits A Through E for Writ of Habeas Corpus (Pre-Trial)*	*Index #38*
01/18/2023	Clerk's Notice of Hearing Party: Defendant Devries, Richard John *[39] Notice of Hearing*	*Index #39*
01/18/2023	Order *[40] Order for Writ of Habeas Corpus*	*Index #40*
01/26/2023	Writ of Habeas Corpus *[41] Writ of Habeas Corpus*	*Index #41*
01/26/2023	Joinder Filed By: Defendant Devries, Richard John *[42] Joinder to Petitions for Writ of Habeas Corpus Filed by Defendants Russell Smith, Steven Alo, Taylor Rodriguez, Cameron Treich, Aaron Chun, and Rayann Mollasgo*	*Index #42*
01/27/2023	Opposition *[43] State's Opposition to Defendant's Motion for Return of Seized Property*	*Index #43*
03/06/2023	Return Party: Plaintiff State of Nevada *[44] STATES RETURN TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS*	*Index #44*
03/20/2023	Reply Filed by: Defendant Devries, Richard John *[45] Reply to State's Return to Defendant's Petition for Writ of Habeas Corpus [Pre-Trial]*	*Index #45*
05/01/2023	Order *[46] Order Granting In Part, And Denying In Part, Defendant's Petition For Writ Of Habeas Corpus*	*Index #46*
05/10/2023	Amended Indictment *[47] Amended Indictment*	*Index #47*
05/12/2023	Amended Indictment *[48] Second Amended Superseding Indictment*	*Index #48*
05/15/2023	Order	*Index #49*

[49] Order Denying Defendant's Motion For Return Of Seized Property

05/25/2023 Notice of Appeal (Criminal) *Index #50*
Party: Plaintiff State of Nevada
[50] Notice of Appeal

05/25/2023 Case Appeal Statement *Index #51*
Filed By: Plaintiff State of Nevada
[51] Case Appeal Statement

05/25/2023 Order *Index #52*
[52] Order for Transcript

05/25/2023 Order *Index #53*
[53] Order for Transcript

DISPOSITIONS

05/10/2023 **Disposition** (Judicial Officer: Jones, Tierra)
17. ASSAULT WITH A DEADLY WEAPON
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

18. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

19. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

20. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

21. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

22. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

23. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

24. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

25. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed

PCN: Sequence:

26. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

27. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

28. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

29. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

30. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

31. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

32. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

33. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

34. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

35. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

36. DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A *..*
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

37. ASSAULT WITH A DEADLY WEAPON WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A CRIMINAL GANG
Amended Information Filed/Charges Not Addressed
PCN: Sequence:

39. RACKETEERING

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

05/12/2023 **Amended Disposition** (Judicial Officer: Jones, Tierra) Reason: Amended
17. ASSAULT WITH A DEADLY WEAPON
Charge Reinstated
PCN: Sequence:

HEARINGS

06/10/2022 **Grand Jury Indictment** (11:00 AM) (Judicial Officer: Leavitt, Michelle)

MINUTES

Warrant
Inactive Indictment Warrant
Matter Heard;
Journal Entry Details:
Alyce Wheeler, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 21CGJ100A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-22-365585-1 Department X. State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, bail SET in the amount of $380,000.00; INDICTMENT WARRANT ISSUED, and matter SET for Arraignment. COURT FURTHER ORDERED, Exhibits 1-9, 12-27, 43-61, and 68 to be lodged with the Clerk of the Court; Henderson Justice Court case no. 22CRH000552-001 DISMISSED per the State's request. I.W. (CUSTODY) 06/15/22 8:30 A.M. INITIAL ARRAIGNMENT (DEPT X) ;

SCHEDULED HEARINGS

CANCELED **Initial Arraignment** (06/15/2022 at 8:30 AM) (Judicial Officer: Jones, Tierra)
Vacated

06/13/2022 **Initial Arraignment** (1:30 PM) (Judicial Officer: Jones, Tierra)
Plea Entered;
Journal Entry Details:
DEFT. DEVRIES RETURNED IN THE INDICTMENT WARRANT. DEFT. DEVRIES ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter SET for trial. FURTHER COURT ORDERED, 6-15-22 date VACATED. CUSTODY (COC) 08/24/22 8:30 A.M. CALENDAR CALL 09/06/22 10:30 A.M. JURY TRIAL Clerk's Note: See minutes from A-22-853507-W. COURT ORDERED, Bail SET at $75,000 with no contact with the victims or their families./tb ;

06/15/2022 *CANCELED* **Initial Arraignment** (8:30 AM) (Judicial Officer: Jones, Tierra)
Vacated

08/24/2022 **Calendar Call** (8:30 AM) (Judicial Officer: Jones, Tierra)
Matter Heard;
Journal Entry Details:
APPEARANCES CONTINUED: Ms. Stone present on behalf of co-deft. Alo, and Smith. Court noted the stip and order was only filed in deft. Devries case and directed counsel to file the stip and order in the co-deft's cases. FURTHER COURT ORDERED, Jury trial VACATED. AND 11-7-22 date REMAINS. BOND ;

09/06/2022 *CANCELED* **Jury Trial** (10:30 AM) (Judicial Officer: Jones, Tierra)
Vacated

09/23/2022 **Grand Jury Indictment** (11:00 AM) (Judicial Officer: Kierny, Carli)
Matter Heard;
Journal Entry Details:

Mr. Dickerson requested of the Court to grant filing of the Superseding Indictment under seal and for hearing to be sealed as well until the Defendants are in custody. COURT SO ORDERED. Alyce Wheeler, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 21CGJ100A to the Court. COURT ORDERED, the Superseding Indictment may be filed and is assigned Case Number C-22-365585-1, Department X. Mr. Dickerson requested a no bail warrant and argued extensively as to the history and facts of the case. COURT FURTHER ORDERED, NO BAIL INDICTMENT WARRANT ISSUED. COURT FURTHER ORDERED, Exhibits 1a, 1b, 2a, 4a, 5a, 6a, 28-42, 62-67, 69-86, 86a, 87-152, 154-180 to be lodged with the Clerk of the Court; Exhibits 1-9, 12-27, 43-61, and 68 were previously lodged with the Clerk of the Court; Exhibits 10, 11, and 153 were withdrawn by the state; I.W. (NIC) CLERK'S NOTE: Subsequent to Court, COURT ORDERED, The superseding indictments, superseding indictment warrants, Minute Orders, Hearing, and cases 4-8 were ordered to be sealed. /rgv/09/27/22;

10/03/2022 **Motion** (8:30 AM) (Judicial Officer: Jones, Tierra)
Motion to Recall Superseding Indictment Warrant

MINUTES

Denied;

Journal Entry Details:

Co-Deft.'s Russell Smith, Cameron Treich, Arron Chun and Roneric Padilla were present. Co-Deft. Stephen Alo not present. Thomas Pitaro and Kendall Stone, Esq present for Co-Deft.'s Smith. and Alo. John Spilotro, Esq. present for Deft. Chun Court noted this matter has not been scheduled for a superseding indictment return but was on for a Motion to Recall the Superseding Indictment Warrant. Arguments by Mr. Schonfeld, Mr. Pitaro in favor of the motion to recall the warrant and in opposition by Mr. Dickerson. Colloquy as to the proceedings at the superseding indictment hearing. COURT stated its FINDINGS and ORDERED, Motion to Recall Superseding Indictment Warrant DENIED, Deft. REMANDED into custody and bail RESET at $250,000.00 and no contact with the victim or the families. Mr. Schonfeld inquired if the current $75,000.00 bond could be used towards the new bail amount. COURT FURTHER ORDERED, $75,000.00 bond would be TRANSFERRED towards the $250,000.00 bail. COURT ADDITIONALLY ORDERED, Valdez-Jimenez hearing SET. Following a sidebar, COURT ORDERED,the superseding indictment, superceding indictment warrant and superseding indictment transcripts UNSEALED for all Defendants on calendar today. CUSTODY 10/06/2022 1:30 PM HEARING: VALDEZ-JIMENEZ HEARING;

SCHEDULED HEARINGS

Hearing (10/06/2022 at 1:30 PM) (Judicial Officer: Jones, Tierra)
Hearing: Valdez-Jimenez Hearing

10/06/2022 **Hearing** (1:30 PM) (Judicial Officer: Jones, Tierra)
Hearing: Valdez-Jimenez Hearing

MINUTES

Trial Date Set;

Journal Entry Details:

Also present: Mr. Thomas Pitaro, Esq. present on behalf of Co-Deft. Smith and Co-Deft. Alo; Mr. Lance Hendron, Esq. on behalf of Co-Deft. Treich; Mr. John Spilotro, Esq. on behalf of Co-Deft. Chun; Mr. Dan Gilliam, Esq. on behalf of Co-Deft. Padilla. Mr. Spilotro not present. Colloquy regarding the transcripts, unsealing the transcripts, and Orders by other Courts. COURT ORDERED, any Transcripts SEALED, are to be UNSEALED; Court did not see any reason to unseal the JAVs as well. As to any transcripts SEALED in Department 30, a Court Order will need to be submitted. Mr. Spilotro now present; all other parties present as before. Argument by Mr. Dickerson regarding the events related to the incident, risk to the safety of the community, criminal history of the parties involved and Hell's Angels Club inside and outside of Nevada, and the risk of flight, and changes and amendments to the Deft's. "patches" since the incident particularly the addition of the "filthy few" patch. Mr. Dickerson argued the incident was a mass shooting that happened on a holiday weekend on the freeway; this is not a self defense claim by Deft's. Extensive arguments by counsel regarding their Deft's. right to a Valdez-Jimenez Hearing and setting of reasonable bail, lack of risk of flight, provision of the Markum Notices, and their individual custody status' . Mr. Schonfeld argued State is arguing Deft. Devries is a lifetime member of the Hells Angels however Deft. does not have a criminal history. Mr. Schonfeld requested Court reinstate Deft. Devries $75,000.00 bail; Deft. should be released without any additional conditions. Upon Court's inquiry, Mr. Schonfeld confirmed

Court stated at the prior hearing Deft. Devries bail should be transferred, not exonerated. Argument by Mr. Pitaro Deft. Smith is a Marine who was honorably discharged; there is no change to Deft's. circumstances. Deft. Smith is not a flight risk or danger to the community. Mr. Hendron argued Deft. Treich is being illegally detained as State failed to follow their simplest obligation and obtain a True Bill. Mr. Hendron requested a copy of Deft's. Indictment, Deft. could be released. Counsel would have five days to see if there is any exculpatory evidence to present to the Grand Jury. Upon Court's inquiry, Mr. Dickerson stated there was an Order by the District Court to prevent the Markum Notice on these Deft's. Colloquy regarding provision of the original Markum Notices and the Grand Jury Hearing before Judge Wiese. Mr. Hendron requested an Own Recognizance (O.R.) release for Deft. Treich with no additional conditions. Mr. Spilotro argued on behalf of Deft. Chun with regard to the lack of Markum Notice and the required 48-hour hearing to address bail; noting Deft. was arrested at the place of employment and was a trusted member of the military. Adding Deft. Chun his children and elderly mother rely on him solely to take care of them. Mr. Spilotro further argued there were no witness statements referencing an Asian male. Mr. Spilotro requested contact be allowed for the purpose of joint defense purposes. Mr. Gilliam argued with regard to Deft. Padilla's prior criminal history; Deft. had DUI's eleven and thirteen years ago. Adding, he did not know Deft. was in custody; a Judge determined Deft. should get an O.R. risk. Deft. is not a flight risk or danger to community. State conceded Deft. Padilla was not present when the shooting occurred. Mr. Gilliam requested Court reinstate Deft. Padilla's O.R. Release. Colloquy regarding Deft's. pending Henderson case and transportation of Deft. to the Clark County Detention Center. Mr. Pitaro argued this has been very stressful for Deft. Alo and his wife and may have gotten a little out of hand. Counsel is not concerned with Deft. Alo's Domestic Violence case; he is concerned about that cases impact here and Deft. may lose his job. Deft. has lived here all his life; Deft. and his family live here and he has good family ties. Mr. Pitaro requested Deft's. bail of $75,000.00 is transferred here and Deft. be released. Upon Court's inquiry if there is an Order Deft. Alo stay away from his wife, Mr. Pitaro stated he is not aware of one. Mr. Reiff stated he will not concede that any of these Deft's. are members of a criminal activity, and argued Deft. Rodriguez with regard to Deft's. prior criminal and employment history. Mr. Reiff argued Deft. Rodriguez has been in the community a long time, he has a job; Deft. has limited criminal history. There is no indication of an anger problem or conduct that would expose the community to danger. Mr. Dickerson reiterated the no contact with Hell's Angel or their members request by State; State has no opposition if counsel is present and Deft's are meeting for the purpose of their defense. Further argument and colloquy regarding the Grand Jury transcript and eye witness testimony presented identifying Deft. Devries. COURT STATED FINDINGS, and FURTHER ORDERED, as follows: With regard to Deft. Devries, Bail SET at $100,000.00; $75,000 as to Count 1 and $25,000.00 total for Counts 2-36. No monitoring imposed. The $75,000.00 bail as to Count 1 has already been posted and is to be TRANSFERRED from the bail previously imposed. The remaining bail balance is $25,000.00 for Counts 2-36. If anything changes after the Court hears the Writ, either counsel can readdress the bail at that time. With regard to Deft. Smith, Bail SET $100,000.00; $75,000.00 as to Count 1 and $25,000.00 total for Counts 2-36. The $75,000.00 bail as to Count 1 has already been posted and is to be TRANSFERRED from the bail previously imposed. The remaining bail balance is $25,000.00 for Counts 2-36. The 10.12.22 Hearing is VACATED. With regard to Deft. Treich, Bail SET $100,000.00; $75,000.00 as to Count 1 and $25,000.00 total for Counts 2-36. Court does not have all the facts as to the 48-hour hearing issue, Court does not know why Deft. was not set for the first available date. The Court was available. As to the Markum issue; that issue can be relitigated once a Motion is filed. With regard to Deft. Chun, Bail SET $100,000.00; $75,000.00 as to Count 1 and $25,000.00 total for Counts 2-36. Court does not have all the facts as to the Markum issue; that issue can be relitigated once a Motion is filed. Court does not have all the facts as to the 48-hour hearing issue, Court does not know why Deft. was not set for the first available date. The Court was available. As to the Markum issue; that issue can be relitigated once a Motion is filed. With regard to Deft. Padilla, Bail SET $25,000.00 cash or surety as to all Counts. COURT FINDS Deft. Padilla is differently situated than the other Deft's. as there is no allegations Deft. Padilla was present at the scene of what took place in this case. With regard to Deft. Alo, Bail SET $100,000.00; $75,000 as to Count 1 and $50,000 total for Counts 2-36. Deft. has not stayed out of trouble since the last time Deft. appeared before the Court. The 10.12.22 date is VACATED. Matter SET for Arraignment. State to prepare a Transport Order. With regard to Deft. Rodriguez, Bail SET $100,000.00; $75,000.00 as to Count 1 and $25,000.00 total for Counts 2-36. For all Deft's. COURT ADDITIONALLY ORDERS, (1) No weapons; (2) No Alcohol; (3) No Drugs; (4) No contact with co-defendants unless it is for a joint meeting with defense counsel. DEFT. DEVRIES ARRAIGNED, PLED NOT GUILTY, and WAIVE the 60-DAY RULE. COURT ORDERED, matter SET for trial. CONFERENCE AT BENCH. Counsel has 21 days from the filing of the Grand Jury transcript or today's date, whichever is later, to file a Writ. CUSTODY 12.05.22 8:30 A.M. CALENDAR CALL 12.12.22 10:30 A.M. JURY TRIAL CLERK'S NOTE: This minute order was prepared utilizing the JAVS recording. /sb

10.07.22 ;

SCHEDULED HEARINGS

Arraignment Continued (10/10/2022 at 8:30 AM) (Judicial Officer: Jones, Tierra)

10/10/2022 **Arraignment Continued** (8:30 AM) (Judicial Officer: Jones, Tierra)
Plea Entered;
Journal Entry Details:
APPEARANCES CONTINUED: Mr. Spilotro present on behalf of co-deft. Chun, and standing in for Mr. Schonfeld on behalf of deft. Devries, Mr. Pitaro present on behalf of co-deft. Smith, Mr. Hendron present on behalf of co-deft. Treich. Mr. Reiff present on behalf of co-deft. Rodriguez. Court noted the Court put this matter on to clarify what defts were arraigned on and to clarify the bail. DEFT. DEVRIES RE- ARRAIGNED, PLED NOT GUILTY. COURT ORDERED, previous WAIVER as to the 60-DAY RULE, REMAINS. FURTHER COURT ORDERED, trial date and calendar call STANDS. FURTHER COURT ORDERED, as to the bail, BAIL was previously SET and REMAINS as to COUNT - 1 at $75,000. As to COUNTS - 2-37 & 39 at $25,000, which has been posted, and REMAINS with the following conditions: No possessing any weapons, no consuming any alcohol, no consuming any drugs, and no contact with any co-defts unless a joint meeting with counsel. Mr. Reiff requested 21 days from the filing of the transcript to file any writs. COURT ORDERED, Counsel has 21 days from today to file any writs, as the transcript was sealed and deft. did not have access to it. FURTHER COURT ORDERED, Discovery request, GRANTED. BOND ;

10/11/2022 *CANCELED* **Minute Order** (11:30 AM) (Judicial Officer: Jones, Tierra)
Vacated

10/11/2022 **Minute Order** (1:15 PM) (Judicial Officer: Jones, Tierra)
Minute Order - No Hearing Held;
Journal Entry Details:
Pursuant to a request from the District Attorney s Office, this case and the documents contained therein are unsealed.;

11/07/2022 **Petition for Writ of Habeas Corpus** (8:30 AM) (Judicial Officer: Jones, Tierra)
Defendant's Petition for Writ of Habeas Corpus [Pre-Trial]
Matter Heard;
Journal Entry Details:
- APPEARANCES CONTINUED: Mr. Pitaro present on behalf of co-deft. Alo, and co-deft. Smith, Mr. Schonfeld on behalf of deft. Devries. Also present, Mr. Hendron, Mr. Spilotro, Mr. Gilliam and Mr. Claus. Ms. Pieper advised the parties agreed to a writ schedule, but have not come up with a deadline. Court noted this trial is not going forward, however, the defendants need to be here to discuss the waiver and to re-set the trial. COURT ORDERED, trial date VACATED and calendar call on 12-05-22 will be a status check on the writ and trial setting. Court directed the parties to come up with a date. BOND 12/05/22 8:30 A.M. WRIT....TRIAL SETTING ;

12/05/2022 **Status Check** (8:30 AM) (Judicial Officer: Jones, Tierra)
Status Check: Trial Setting // Writ
Matter Heard;
Journal Entry Details:

APPEARANCES CONTINUED: Mr. Hyte present on behalf of co-deft. Padilla. Mr. Spilotro present on behalf of co-deft. Chun. Mr. Hendron present on behalf of co-deft. Treich. Mr. Pitaro on behalf of co-deft. Smith and co-deft. Alo. Mr. Spilotro standing in for Mr. Schonfeld on behalf of deft. Devries. Mr. Claus present on behalf of Mollasgo. Mr. Reiff present on behalf of co-deft. Rodriguez. Upon Court's inquiry, Ms. Pieper advised the state is going to be waiving any time constraints related to the writ. Court noted the Court signed the Stip and Order, however, it only went into one case. Ms. Pieper advised the State is extending that to all defendants, so all defendants will be filing their writs by 1-17-23. Further, the state requested 45 days to respond. COURT ORDERED, the state's opposition deadline will be 3-6-23 and the reply will be due by 3-20-23. FURTHER COURT ORDERED, hearing SET on a special setting on the date given. Upon Court's inquiry, co-deft. Mollasgo and co-deft. Padlilla WAIVED their right to speedy trial. FURTHER COURT ORDERED, trial date VACATED. Ms. Pieper advised

there's been some issues with regards to discovery and requested counsel e-mail her and Mr. Dickerson, however, she will be leaving the team on 1-09-23. Court directed counsels to file a discovery motion if needed. Mr. Pitaro advised he'll be filing a motion for return of property. Court directed counsel to file the motion and list all defendants and file in every case. Mr. Claus to prepare the Stip and Order and submit in regards to all deft's and the Court will get that filed in every case. FURTHER COURT ORDERED, 12-07-22 date VACATED in regards to co-deft. Mollasgo, and there will be a supplemental writ to be heard on the same date given for all deft's to be heard in March. BOND 03/31/23 9:00 A.M. HEARING: WRIT ;

12/12/2022 *CANCELED* **Jury Trial** (11:00 AM) (Judicial Officer: Jones, Tierra)
Vacated

01/30/2023 **Motion** (8:30 AM) (Judicial Officer: Jones, Tierra)
Events: 01/12/2023 Motion to Return
Defendant's Motion for Return of Seized Property
Denied in Part;
Journal Entry Details:
APPEARANCES CONTINUED: Defendant RICHARD DEVRIES present out of custody represented by Richard Schonfeld, Esq.; Defendant CAMERON TREICH, not present represented by Lance Hendron, Esq. COURT ORDERED, Defendant's Joinder in Co-Defendant Richard Devrie s Motion for Return of Seized Property is GRANTED with regards to joining the motion. Mr. Schonfled argued that a motorcycle and an electronic device was seized from the Defendant without a warrant. Mr. Portz argued the items that were seized were used in the commission of multiple felonies and were seized properly. Mr. Portz further argued the Motion does not mention Defendant Treich's property, therefore believes he does not have a standing in this instance. Mr. Hendron argued the Defendant has two motorcycles that were seized alongside the co-defendant. COURT DIRECTED Mr. Hendron to file a separate motion for his client's property, and ORDERED, RULING RESERVED; a written decision to be filed within a week. BOND 3/31/23 9:00 AM JOINDER TO PETITIONS FOR WRIT OF HABEAS CORPUS FILED BY DEFENDANTS RUSSEL SMITH, STEVEN ALO, TAYLOR RODRIGUEZ, CAMERON TREICH, AARON CHUNN, AND RAYANN MOLLASGO...PETITION FOR WRIT OF HABEAS CORPUS...;

03/31/2023 **Hearing** (9:00 AM) (Judicial Officer: Jones, Tierra)
Petition for Writ of Habeas Corpus
Denied;

03/31/2023 **Joinder** (9:00 AM) (Judicial Officer: Jones, Tierra)
Joinder to Petitions for Writ of Habeas Corpus Filed by Defendants Russell Smith, Steven Alo, Taylor Rodriguez, Cameron Treich, Aaron Chun, and Rayann Mollasgo
Granted;

03/31/2023 **All Pending Motions** (9:00 AM) (Judicial Officer: Jones, Tierra)
Matter Heard;
Journal Entry Details:
PETITION FOR WRIT OF HABEAS CORPUS...JOINDER TO PETITIONS FOR WRIT OF HABEAS CORPUS FILED BY DEFENDANTS RUSSELL SMITH, STEVEN ALO, TAYLOR RODRIGUEZ, CAMERON TREICH, AARON CHUN, AND RAYANN MOLLASGO APPEARANCES CONTINUED: Co-Defendant Russell Smith and Stephen Alo also present, represented by Thomas Pitaro, Esq. and Kendall Stone, Esq.; Co-Defendant Cameron Treich also present represented by Lance Hendron, Esq.; Co-Defendant Taylor Rodriguez also present represented by Joseph Reiff, Esq.; Co-Defendant Aaron Chun also present represented by John Spilotro, Esq.; Co-Defendant Rayann Mollasgo not present, represented by Augustus Claus, Esq.; Co-Defendant Roneric Padilla also present, represented by the Public Defender, who was not present. Mr. Dickerson noted they had not received three of the Replies from Alo, Smith and Rodriguez. Court stated it would not address any new issues brought up in the Replies. Colloquy regarding the two filings by Mr. Schonfeld. COURT ORDERED, Joinder GRANTED. Court noted it had read the Petition, the State's Return and the Reply. Argument by Mr. Schonfeld regarding the 25 identical counts, jeopardy, substantial bodily harm, exculpatory evidence, the racketeering charge, criminal syndicate and criminal enterprise, and Count 37. Argument in response by Mr. Dickerson and Mr. Allmon. Court stated it needed to obtain the videos from the Grand Jury from the Clerk's Office and advised it had not issued a written decision regarding the forfeiture as it was tied to this Petition, however it would issue a decision on both the Petition and Motion at the same time. Court directed counsel to submit

their facts section from each Petition in Word to the Department Law Clerk. COURT FURTHER ORDERED, status check SET regarding the decisions. BOND 5/3/2023 8:30 AM STATUS CHECK: DECISIONS ON PETITION AND MOTION;

05/02/2023 **Minute Order** (7:55 AM) (Judicial Officer: Jones, Tierra)
Minute Order - No Hearing Held;
Journal Entry Details:
Following review of the papers and pleadings on file herein and considering the arguments of counsel, the COURT ORDERS that Defendant s Motion for Return of Seized Property is DENIED. Pursuant to NRS 179.1165, property is subject to seizure by a law enforcement agency without process if the seizure is incident to arrest or a search pursuant to a search warrant or if the law enforcement agency had probable cause to believe that the property is subject to forfeiture. NRS 179.1165(2). Further, NRS 179.085(1)(e), which provides in pertinent part, that [a] person aggrieved by an unlawful search and seizure or the deprivation of property may move the court having jurisdiction where the property was seized for the return of the property on the ground that [r]etention of the property by law enforcement is not reasonable under the totality of the circumstances. Here, Defendant seeks the return of his motorcycle and 4 electronic devices a black Samsung Galaxy S-9 phone, an Apple laptop, a Dell Laptop, and an Apple iPad. The State argues that the seizure of those items was in compliance with NRS 179.1165 and NRS 179.121. The Court agrees, in part. As the Court has dismissed the racketeering charges, the Court finds that NRS 179.121 is in applicable in the instant case. However, the Court finds that he seizure was in compliance with NRS 179.1165. The Court further finds that the evidence admitted at the grand jury indicates that the motorcycle and possibly the electronic devices were involved in the criminal activity alleged in the instant offense, and therefore has possible evidentiary value. As such, the Court find that at this juncture the seizure is not unreasonable since the case has not gone to trial and the items have not been seized for an unreasonable amount of time. The State is ordered to prepare an order consistent with this Court s order and submit it for signature within ten (10) days of this Court s order. CLERK'S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (5-2-2023 ks).;

05/03/2023 **Status Check** (8:30 AM) (Judicial Officer: Jones, Tierra)
Status Check: Decisions on Petition and Motion
Matter Heard; Status Check: Decisions on Petition and Motion
Journal Entry Details:
APPEARANCES CONTINUED: Defendant DEVRIES present out of custody represented by Richard Schonfeld Esq.; Defendant SMITH present out of custody represented by Thomas Pitaro Esq.; Defendant ALO present out of custody represented by Thomas Pitaro Esq.; Defendant TREICH not present out of custody represented by Lance Hendron Esq.; Defendant RODRIGUEZ present out of custody represented by Joseph Reiff Esq.; Defendant CHUN present out of custody represented by John Spilotro Esq; Defendant MOLLASGO present out of custody represented by T. Augustus Claus Esq.; Defendant PADILLA present out of custody represented by Deputy Public Defender Jeremy Storms. Mr. Hendron stated that Defendant TREICH is not present. COURT DIRECTED Mr. Hendron to file a written acknowledgment of trial date. COURT ADVISED they issued a written decision on the Petition. Mr. Schonfeld requested an Amended Superseding Indictment be filed consistent with the Court's order, where it is dismissing some of the charges before setting the trial date. Upon Court's inquiry, Mr. Dickerson stated his office is still having conversations about this case in their office, and requested ten days to file the document. COURT DIRECTED, Mr. Dickerson to file an Amended Superseding Indictment WITHIN TEN (10) DAYS; matter SET for status check. BOND 5/15/2023 8:30 A.M. STATUS CHECK: TRIAL SETTING ;

05/15/2023 **Status Check: Trial Setting** (8:30 AM) (Judicial Officer: Jones, Tierra)
Trial Date Set;
Journal Entry Details:
APPEARANCES CONTINUED: Defendant DEVRIES present out of custody represented by Richard Schonfeld Esq.; Defendant SMITH present out of custody represented by Kendal Stone Esq.; Defendant ALO present out of custody represented by Kendal Stone Esq.; Defendant TREICH present out of custody represented by Lance Hendron Esq.; Defendant RODRIGUEZ not present out of custody represented by Richard Schonfeld Esq.; Defendant CHUN present out of custody represented by John Spilotro Esq; Defendant MOLLASGO present out of custody represented by T. Augustus Claus Esq.; Defendant PADILLA present out of custody represented by Deputy Public Defender Daniel Gilliam. Mr. Schofeld stated that Defendant

	RODRIGUEZ is not present and requested to WAIVE his presence. COURT ORDERED, Defendant RODRIGUEZ presence WAIVED; a written acknowledgment as to the trial dates is to be provided. Colloquy regarding potential trial dates. COURT ORDERED, matter SET for Jury Trial. BOND 5/20/24 8:30 A.M. CALENDAR CALL 5/28/24 10:30 A.M. JURY TRIAL ;	
05/20/2024	**Calendar Call** (8:30 AM) (Judicial Officer: Jones, Tierra)	
05/28/2024	*CANCELED* **Calendar Call** (10:30 AM) (Judicial Officer: Jones, Tierra) *Vacated - On in Error*	
05/28/2024	**Jury Trial** (10:30 AM) (Judicial Officer: Jones, Tierra)	

DATE **FINANCIAL INFORMATION**

Defendant Devries, Richard John	
Total Charges	81.50
Total Payments and Credits	81.50
Balance Due as of 5/25/2023	**0.00**

Electronically Filed
05/01/2023 8:00 AM
CLERK OF THE COURT

ORDR

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

RICHARD JOHN DEVRIES #3001333,

Defendant.

Case No.: C-22-365585-1

Department: X

ORDER GRANTING IN PART, AND DENYING IN PART, DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

DATE OF HEARING: March 31, 2023

TIME OF HEARING: 9:00 AM

THIS MATTER having come on for hearing on the 31st day of March, 2023, the Defendant being present, represented by RICHARD SCHONFELD, Esq., the State of Nevada being represented by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL DICKERSON, Esq., Chief Deputy District Attorney and MICHAEL ALLMON, Esq., Deputy District Attorney, and the Court having considered the information and arguments contained in the pleadings, arguments of counsel, and good cause appearing therefor, grants the writ in part, and denies the writ in part.

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STATEMENT OF FACTS

On May 29, 2022, an organized motorcycle ride event known as "Flags Over the Dam," went through the area of Boulder City and Hoover Dam, ending at the Boulder City Veterans Cemetery. Reporter's Transcript of Proceedings, Superseding Indictment, Volume 1, June 30, 2022 (hereinafter, "GJT SS Vol. 1"), at 9, 11, 36. Detective Bret Hood testified at the grand jury proceeding that law enforcement patrol units stopped traffic at intersections so the Memorial Day motorcycle processions could go by safely. Reporter's Transcript of Proceedings, June 9, 2022 (hereinafter, "GJT") at 113. Dash camera footage from the Boulder City Police Department appeared to capture approximately seven Hells Angels riding in a pack toward the cemetery. GJT, at 115–116. Detective MacDonnell testified to the identification of those seven Hells Angels seen in the surveillance video riding away from the Hoover Dam identifying Cameron Treich, Rayann Mollasgo, Stephen Alo, Richard Devries, Taylor Rodriguez, Aaron Chun, and Russell Smith. GJT SS Vol. 1, at 89-94.

Members of the Vagos Motorcycle Club were also present at the cemetery, but were reportedly not near the Hells Angels. GJT, at 44. Witness J.S., who is not affiliated with any motorcycle club, testified before the Grand Jury that he saw both the Vagos members and the Hells Angels at the Veterans Memorial. GJT, at 47, 63. J.S. described the Hells Angels as being vey antagonistic at the cemetery, while the Vagos remained reserved – perhaps due to the somberness of the event. Id at 63.

Vagos member, Michael Lempart, stated to the Grand Jury that eight or nine Hells Angels left the ceremony at the cemetery once Lempart and his group arrived. GJT, at 82. Lempart's group included Alejandro Castillo, Chad Merrill, Richard Velasquez, Carie Chapin, Michael Stasiewicz, and Michael Lempart. GJT, at 28.

After visiting the ceremony, the Vagos members rode their bikes away from the cemetery on Interstate-11 near Wagon Wheel. GJT, at 10. Witness, A.M., testified before the Grand Jury and captured a video recording, also presented to the Grand Jury, of the Vagos members riding by on I-11. GJT, at 94. Moments later, five Hells Angels members are seen riding by. GJT, at 98. The first member was a fully patched Hells Angel. GJT, at 94. Another Hells Angel then rode by wearing a white helmet, a Hells Angels vest with a Nevada bottom rocker, a red sleeveless shirt under his vest, khaki-colored pants, and red shoes. GJT, at 95. He had his left hand down holding something. Id. Seconds later, the video shows three other Hells Angels riders with Nevada bottom rockers ride into the video frame. GJT, at 96–97. At the end of the video, Vagos members are seen pulling over to the side of the highway. GJT, at 97. One Vagos member is seen veering off to the side of the road into a rocky ditch. Id. At this point, the vehicle that A.M. is in stopped and A.M. called 911. Id. A.M. testified that she called 911 and told dispatchers that while driving onto I-II from Wagon Wheel, A.M. saw the Hells Angels stopped on Wagon Wheel and looking back toward Boulder City. GJT, at 100–01. Shortly thereafter, the Vagos members passed A.M. on the highway, and the Hells Angels came up from behind and began surrounding the Vagos. GJT, at 100–02. A.M., further testified that she heard approximately six shots, a pause, and then at least a dozen more shots. GJT, at 92–93.

At or about 11:46 am, a shooting took place that resulted in several Vagos members sustaining gunshot wounds. . GJT, at 10, 21, 27, 36–37, 40. Hells Angel member Rayann Mollasgo also sustained a gunshot wound to the shoulder. Id at 80-81.

J.S. further testified that that after the event he saw 10 to 15 Vagos members riding ahead of him in formation (side-by-side in a single lane), in the number 1 lane, closest to the center divider on the highway. GJT, at 49–50. At approximately 11:46 a.m., around the I-11 highway and Wagon

Wheel, J.S. witnessed Hells Angels' prospects infiltrate members of the Vagos motorcycle club. GJT, at 49–50. J.S. saw three Hells Angels riders come from the second and third lanes on the highway, swerve into the pack of Vagos riders, and kick at them in attempt to separate the pack. GJT, at 49–50.

J.S. recognized the interfering riders as Hells Angels because of their patches. GJT, at 49–50. One of the Hells Angels members had a full patch vest while the other two had the bottom rocker and cube on their vests. GJT, at 51. J.S. went on to describe the full patch Hells Angels member as heavier set with white facial hair, while the other two Hells Angels members were younger, white males. GJT, at 52, 61–62.

After they infiltrated the Vagos pack, J.S. observed that the two younger Hells Angels flew off and continued down the highway. Id. The full patch member was standing up at the back of the pack, firing a handgun at the Vagos members. Id. According to J.S., the full patch member fired approximately five shots. Id. J.S. then slowed down and saw that one of the Vagos members' gas tank was dumping fuel. GJT, at 58. This indicated to J.S. that a round entered the tank so J.S. stopped his motorcycle. Id. He then noticed that one of the Vagos members, later identified as Castillo, was shot. Id. J.S., a military veteran, ran to render aid. GJT, at 48.

Victim Alejandro Castillo testified before the Grand Jury that he had been shot, but did not know how many times. GJT, at 14. When shown a photograph of his injuries, Castillo said that it "appears to be" the case that the photograph shows that he was shot in the left arm and the right leg. GJT, at 14. Victim, Michael Stasiewicz, testified that he was shot in his left thumb. GJT, at 35–36. Stasiewicz further testified that he did not know if there was another group of motorcyclists traveling near them and did not know if the shot came from another motorcyclist. GJT, at 44. Victim Chad Merrill, who was shot in his right leg, testified that he did not remember seeing who shot him,

where the bullet came from, or if he heard other shots being fired. GJT, at 22–24, 32. Merrill did recall seeing a man on a motorcycle pass him and the group he was riding with immediately before and as he was shot. GJT, at 24. Ted Lempart testified that he pulled over to help Velasquez after seeing him go flying off the road and later realized he had been shot in his buttocks. GJT, at 73. Lempart testified that he was armed and grabbed his firearm once he realized he had been shot, but did not fire his weapon. GJT, at 77–78. Lempart was asked what the person that shot him looked like and he responded, "I have no idea". GJT, at 80.

Additional victims that did not testify include Richard Velasquez and Carie Chapin who were shot while riding together on Mr. Velasquez's bike causing them to veer off the road and crash into a rocky area. GJT, at 39.

On the day in question, Officer Shiloh Johnston with the Las Vegas Metropolitan Police Department was off duty in the area of Pacific and Horizon. GJT, at 124–25. Officer Johnston testified that he observed three Vagos motorcyclists parked in a line blocking the road to the freeway ramp. GJT, at 125. Johnson described that the Vagos riders appeared to be in distress. Id. Officer Johnston questioned the men and was informed that Merrill had been shot. Id. Officer Johnston then assisted Merrill by applying a tourniquet near the apparent gunshot wound on his leg. GJT, at 32.

Detective Dennis Ozawa with the Henderson Police Department investigated the shooting and identified three different scenes. GJT, at 131, 133. The first scene was slightly before the College Drive off-ramp, where one victim and fourteen (14) 9-millimeter cartridge casings were found, with the initial "FC" on them. GJT, at 133. The second location, still on I-11 between Greenway and Horizon, located four additional victims, along with ten (10) cartridge cases in .45 caliber and one additional 9-millimeter cartridge case, with the head stamp "FC" on it. GJT, at 134, 136. The last location was off the off-ramp on Horizon Drive, where one of the victims had drove

their motorcycle and parked, however, no cartridge cases were found in this area. GJT, at 136-137.

Further investigation put the Hell's Angels at the Henderson Harley Davidson dealership located at 1010 West Warm Springs Road in Henderson, Nevada. GJT, at 150. M.C., a representative of the dealership testified that surveillance footage was provided to detectives. GJT, at 104–05. The surveillance video shows that on May 29, 2022, at approximately 11:41 a.m. a couple of men rode into the dealership's back lot and parked their bikes inside. GJT, at 108. M.C. testified that the area where the motorcycles entered was the back service department, was closed at the time so motorcycles coming and parking in the service bay area was unusual behavior. GJT, at 109.

Detective MacDonnell reviewed the Coffee Cup's surveillance footage from the morning of the May 29, 2022, shooting. GJT, at 166, 169. Using his previous experience in surveilling the Hells Angels, Detective MacDonnell identified Richard Devries, the Hells Angels president, in the Coffee Cup surveillance footage. GJT, at 167. He also identified Hells Angels prospects Taylor Rodriguez, Stephen Alo, and Aaron Chun. Id.

Alo had a beard and sleeve tattoos. GJT, at 167. He was seen wearing a red hat, a red sleeveless shirt, khaki pants, and his prospect vest. GJT, at 167–168. Devries was wearing his full patch cut with a dark shirt and dark pants. GJT, at 168. Devries had gray facial hair and a stockier build compared to other members. Id. Rodriguez was wearing a prospect's cut with a black shirt underneath, a ball cap, blue jeans, and white shoes. GJT, at 169.

Detective MacDonnell also identified Rayann Mollasgo as the new "hang-around" in the charter at the Coffee Cup. GJT, at 167. Russell Smith was not seen in the Coffee Cup surveillance footage but was later seen in footage crossing the Hoover Dam. GJT, at 169–170.

Detective MacDonnell testified that, based on his intimate knowledge of the Hells Angels and the surveillance photos and videos, the two full-patched Hells Angels members who participated

in the May 29, 2022, ride were Richard Devries and Cameron Treich. GJT, at 170. Detective MacDonnell explained that Treich always wears a white helmet and that because he is a full patch member, he rides on Devries' right side. GJT, at 171.

Detective MacDonnell also reviewed Boulder City Police Department dash camera footage, Exhibit 3, starting at 10:22 that showed the pack of Hells Angels. . GJT, at 171. Detective MacDonnell identified Richard Devries, Cameron Treich, Taylor Rodriguez, Aaron Chun, Stephen Alo, Rayann Mollasgo, and Russel Smith in the pack. GJT, at 172–174.

In the witness video footage, Detective MacDonnell identified one of the riders as Stephen Alo using the fact that Alo is seen riding with his left hand down to his side, his white helmet, sleeveless shirt with red hanging out, khaki pants, and red shoes. GJT, at 175. MacDonnell identifies another rider coming into frame as Richard Devries because of the full patch cut, the stocky build, and the fact that the road-like bike had no saddlebags. Id.

Screenshots of the video were taken, and two Hells Angels members were captured in the video. GJT, at 175. MacDonnell, relying on his numerous interactions with the Hells Angels group, identified the individual members as Cameron Treich, a full patch member, and Rayann Mollasgo. GJT, at 176. MacDonnell recovered motorcycles at the Henderson Harley Davidson dealership that belonged to Cameron Treich, Richard Devries, and Stephen Alo. GJT, at 177–178.

Detective MacDonnell further testified that he was present for an interview with Richard Devries on May 30, 2022. GJT SS Vol. 1, at 67. Mr. Devries was in custody, had been advised of his Miranda Rights, and voluntarily agreed to continue talking with police. Id. Detective MacDonnell testified that Mr. Devries stated he was at the Coffee Cup restaurant in Boulder City on the morning of the May 29, 2022, shooting. Id. Mr. Devries claimed to have sat at the counter by himself before riding his motorcycle to the Hoover Dam Bridge. GJT SS Vol. 1, at 68. He then stated the ride went

from the bridge to the V.A. home to the cemetery. Id. Mr. Devries then initially said he went straight home, but later stated he drove on Interstate-95 and dropped his bike off for servicing at the Harley Davidson dealership on Gibson and Warm Springs where his wife then picked him up and he went home. GJT SS Vol. 1, at 68–69. He believed the time to be approximately 1:00 or 1:30 p.m. and denied seeing any sort of incident on the freeway, but claimed his wife was delayed in picking him up because the freeway was closed. Id at 69.

Karl Lippisch, a Detective with Henderson Police Department in the crimes against person division testified that on May 20, 2022, he served a search warrant at Russell Smith's house. GJT SS Vol. 1, at 29–30. The officer seized Hells Angels apparel from the house. Id at 32-33. The officers also found ammunition, a black helmet, and a white helmet. Id at 37. No firearms were found. They also found two motorcycle vests, one with blood on it. Id.

Joseph Ebert, a Detective with the Henderson Police Department in the robbery and homicide units testified that on May 30, 2022, he executed a search warrant at Stephen Alo's home. GJT SS Vol. 1, at 44–45. The officers took photographs of a red hat, red shoes, and a concealed weapons permit. Id at 46. The officers located a firearm in a holster next to the bed in Mr. Alo's bedroom. Id at 47. The officers also located a prospect vest for the Hells Angels. Id at 50.

Nathan Calvano, a police officer with the Henderson Police Department in the robbery and homicide division testified that he participated in the execution of a search warrant at Richard Devries' home. GJT SS Vol. 1, at 55. The officers located a Hells Angels vest in the home, two 9mm handgun, and ammunition. Id at 60-61.

Officer Propp reviewed the Coffee Cup footage and observed that Mr. Padilla was at the Coffee Cup with Devries, Mollasgo, Rodriguez, and Chun. Reporter's Transcript of Proceedings, Superseding Indictment, Volume 3, Sept. 22, 2022 (hereinafter, "GJT SS Vol. 3"), at 9. Mr. Padilla,

however, was not wearing any Hells Angels attire other than a red shirt and he had walked up to the group and sat with them at the restaurant prior to. Id. Mr. Padilla did not get on his motorcycle and leave the Coffee Cup with the others. GJT SS Vol. 3, at 10.

Upon learning of the phone call from Solid State Electric regarding some abandoned motorcycles in the parking lot, Officer Propp personally collected video footage from its parking lot surveillance system. GJT SS Vol. 3, at 11. The surveillance footage is taken after the shooting on the highway occurred and shows a white Toyota Camry being driven by a male with a sleeve tattoo on his left arm. Id. The vehicle goes around the building and is seen approaching Aaron Chun, Rayann Mollasgo, and Russell Smith who had traveled to the side of the building by the trashcans and parked their motorcycles before throwing items away in the dumpster. Id at 12–13. Mollasgo, Smith, and Chun all got into the Camry. Id at 13. Subsequent investigations using a database of vehicle license plates led investigators to find the exact car, with the exact license plate in front of the Hells Angels clubhouse. Id at 14.

Investigators discovered the Camry was registered to an individual named Amanda Nunn, who is Mr. Padilla's girlfriend. GJT SS Vol. 3, at 14–15. The same vehicle was also seen at the Mountain View Hospital dropping Mr. Mollasgo off. Id at 15.

Mr. Padilla was interviewed by police at the police station. GJT SS Vol. 3, at 21. He admitted that on the day of the shooting he was driving a white Toyota Camry that belonged to a girl he was dating. Id. He also advised that he was at the Coffee Cup in Boulder City on the day of the shooting. Id. at 21–22. Mr. Padilla did not specifically say who he was with at the Coffee Cup, advising only that he was with a friend. Id. at 22.

Mr. Padilla's phone records show he was at the Coffee Cup in Boulder City at approximately 9:35 a.m. GJT SS Vol. 3, at 25. He then traveled to the downtown Las Vegas area at approximately

10:48 a.m. Id. At 11:56 a.m., police phone data shows Mr. Padilla's phone is on the freeway heading back to the Henderson/Boulder City area. Id at 25–32. The phone data indicates that Mr. Padilla traveled to Warm Springs and Gibson, the location of Solid State Electric and near the Interstate-515 arriving at approximately 12:15 in the afternoon. Id at 33–34.

Additional phone mapping records put Mr. Padilla at the Mountain View Hospital on May 29, 2022, around 12:43 in the afternoon. GJT SS Vol. 3, at 45. Mr. Padilla was not physically observed at the hospital. Id at 46. Video surveillance was obtained at that time also, which showed the same white Toyota Camry vehicle drop off Mr. Mollasgo, who had a gunshot wound to his shoulder. Id. Phone records are consistent with Mr. Padilla being at Mountain View Hospital around the time of Mr. Mollasgo's arrival. Id.

Initially, Devries, Smith, and Alo were arrested and indicted in this case on one (1) count of Conspiracy to Commit Murder, five (5) counts of Attempt Murder with a Deadly Weapon, five (5) counts of Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm, and twenty-five (25) counts of Discharging a Firearm at or in a Vehicle. The grand jury proceedings took place June 9, 2022, and the Indictment issued on June 10, 2022.

Thereafter, on September 23, 2022, a Superseding Indictment was returned charging the three (3) original defendants and defendants Chun, Rodriguez, Treich, and Mollasgo, with the original charges plus an additional count of Assault with a Deadly Weapon and one (1) count of Racketeering. Co-Defendant Padilla was also indicted but only on one (1) count of Accessory to a Felony and one (1) count of Racketeering. The grand jury proceedings concerning the Superseding Indictment were held on June 30, 2022, August 25, 2022, and September 22, 2022.

CONCLUSIONS OF LAW

GROUND 1
THE LEGAL EVIDENCE PRESENTED WAS NOT SUFFICIENT TO SUSTAIN AN INDICTMENT FOR ALL OF THE CHARGES

A. Discharging a Firearm – 25 Counts

Defendant Devries argues that the State failed to establish that the collected shell casings came from any firearm that was in the possession of any of the Defendants in this case. The COURT agrees, in part.

> Counts 12 through 36 are identical and allege the following:
> Defendants RICHARD JOHN DEVRIES, RUSSELL SMITH, STEPHEN ALO, CAMERON TREICH, TAYLOR RODRIGUEZ, AARON CHUN, and RAYANN MOLLASGO, did willfully, unlawfully, feloniously, and knowingly, for the benefit of, at the direction of, or in affiliation with, a criminal gang, to wit: HELLS ANGELS MOTORCYCLE CLUB, which has as one of its common activities engaging in felonious criminal activities other than the conduct which constitutes the primary offense, and the defendant with specific intent to promote, further, or assist the activities of the HELLS ANGELS MOTORCYCLE CLUB gang, did willfully, unlawfully, maliciously, and feloniously discharge a firearm at or into a vehicle, said vehicle, not having been abandoned, located on Interstate 11 in the area of College Drive, Henderson, Clark County, Nevada, the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding and abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants aiding or abetting and/or conspiring by Defendants lying in wait for and ambushing the said victim and other members of the VAGOS MOTORCYCLE CLUB, and acting in concert throughout.

Superseding Indictment. In support of this theory, testimony was presented from J.S. stating that he saw the full patch Hells Angels member standing up at the back of the pack, firing a handgun at the Vagos members. GJT at 52, 61-62. He further testified that the full patch member fired approximately five shots. Id. Here, the witness testimony indicates that 5 shots were fired, yet there are 25 counts of Discharging a Firearm at or Into an Occupied Vehicle in the instant case. The

evidence presented is not sufficient to sustain an Indictment on 25 counts of Discharging a Firearm. However, the State has presented slight or marginal evidence to sustain counts 12-16 of the Superseding Indictment, but not counts 17-36. As such, counts 17-36 will be dismissed.

I. Multiplicious Counts

The Court has found that the slight or marginal evidence presented for the discharging counts was testimony that 5 shots were fired. As such, the Court finds evidence presented for five counts of Discharging a Firearm at or Into an Occupied Vehicle, counts 12-16 is not multiplicious and counts 17-36 are dismissed.

II. Due Process Violation for Lack of Notice

The Court has found that the evidence presented to the grand jury is slight or marginal evidence for counts 12-16. As such, the Court finds that the Defendant's Due Process rights have not been violated by lack of notice.

III. Double Jeopardy

The Court has found that the testimony presented at the grand jury is sufficient slight or marginal evidence to establish counts 12-16. Defendant argues that since all of the charges are plead exactly the same, there is no specificity regarding the factual offenses that the Defendant allegedly committed. Here, the evidence presented establishes that 5 shots can be based on multiple theories of liability that are charged, and as such the Court finds that the Defendant's rights against Double Jeopardy has not been violated.

IV. Probable Cause

The Court finds that the State has presented slight or marginal evidence, establishing probable cause for counts 12-16.

B. Vicarious Liability Allegations

Defendant Devries argues that the factual allegations in each count of the Superseding Indictment are generic and do not specify which of the multiple acts upon which vicarious liability is premised were committing by the defendants, thereby resulting in these allegations being defective. The Court disagrees. The Court finds that the Superseding Indictment, with respect to counts 12-16, provides sufficient notice of the State's theory of prosecution, and is properly plead under their alternative prosecution theories.

C. The State Established Sufficient Evidence as to Counts 4 Through 7 Related to Carie Chapin and Ricardo Velasquez

The Defendant argues that the State failed to present testimony from Carie Chapin and Ricardo Velasquez, and presented no medical records, to support counts 4-7. The State argues that the testimony of the other witnesses and the medical records presented, establish probable cause for counts 4-7. The Court disagrees with the State that the testimony from Ted Lempart and Michael Stasiwicz establishes probable cause for counts 4-7. However, the Court agrees that the medical records submitted, establish probable cause for counts 4-7, relating to Carie Chapin and Ricardo Velasquez. The medical records show that Ricardo Velazquez suffered gunshot wounds to the chest and left shoulder and that Carie Chapin suffered a gunshot wound to the left shoulder with a bullet mass near her clavicle. This evidence establishes probable cause for counts 4-7 and those counts stand.

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GROUND II
THE GRAND JURY DID NOT FIND SUBSTANTIAL BODILY HARM IN COUNTS 3,5,7,8, AND 11 AT THE ORIGINAL PROCEEDINGS AND THE STATE IMPERMISSIBLY RE-PRESENTED THAT ENHANCEMENT AT THE SUPERSEDING INDICTMENT PRESENTATION

Here, the Defendant argues that the grand jury foreperson did not confirm a finding of substantial bodily harm as to Counts 3,5,7,8 and 11, when they returned the true bill, after deliberation. The State argues that the foreperson confirmed, at the Indictment Return, that the grand jury had returned as true bill as to all the counts charged, which included counts 3,5,7,8, and 11, with substantial bodily harm. The Court agrees. The requirement of the grand jury process is for the foreperson to confirm the charges to the Court and endorse the Indictment, and that was done in this case. As such, the State was not precluded from presenting those charges, at the Superseding grand jury presentation, with the substantial bodily harm charged.

GROUND III
THE STATE DID NOT FAIL TO PRESENT EXCULPATORY EVIDENCE

A. Vagos Motorcycle Club Members in Possession of Firearms

Defendant argues that the State was aware that at least 4 members of the Vagos Motorcycle Club were in possession of firearms, one member was in possession of a loaded magazine, and that a Hells Angels Motorcycle Club Associate was admitted to the hospital with a gunshot wound to the back. They argue that the State failed to present this evidence to the grand jury and this was a failure to present exculpatory evidence. The Court disagrees.

NRS 172.145(2) requires a prosecutor to present to the grand jury evidence "which will explain away the charge." See Sheriff v. Frank, 103 Nev. 160, 734 P.2d 1241 (1987). Here, the fact that members of the Vagos Motorcycle Club were in possession of a firearm or a loaded magazine does not explain away any of the charges in the instant case, and neither does the fact that an associate of the Hells Angels Motorcycle Club being admitted to the hospital with a gunshot wound. As such, the State did not fail to present exculpatory evidence.

B. Lack of Eye Witness Identification

Defendant argues that witness J.s. was not asked to identify which individual fired the weapon and the State did not present any photographic lineup to the witness. While the Court agrees with the Defendant as to the testimony and evidence of the witness, this does not explain away the charge. NRS 172.145(2) requires a prosecutor to present to the grand jury evidence "which will explain away the charge." See Sheriff v. Frank, 103 Nev. 160, 734 P.2d 1241 (1987). Here, the lack of eye witness testimony does not explain away the instant charges and does not require a dismissal under Frank.

GROUND IV
THE STATE LACKS EVIDENCE TO SUPPORT ELEMENT OF RACKETEERING CHARGE[1]

The Superseding Indictment in this case alleges the following as to Racketeering:

> Defendants RICHARD JOHN DEVRIES, RUSSELL SMITH, STEPHEN ALO, CAMERON TREICH, TAYLOR RODRIGUEZ, AARON CHUN, RAYANN MOLLASGO and RONERIC PADILLA, did on or between September 22, 2019 through September 22, 2022, within Clark County, Nevada, knowingly, willfully and feloniously, while associated with an enterprise, conduct or participate either directly or indirectly, in racketeering activity through the affairs of said enterprise, including but not limited to engaging in racketeering activity; and/or intentionally organizing, managing, directing, supervising, or financing criminal syndicate; and/or knowingly inciting or inducing others to engage in violence or intimidation to promote or further the criminal objectives of the criminal syndicate; and/or did give advice, assistance, or direction in the conduct, financing or management of the affairs of the criminal syndicate with the intent to promote the criminal objectives of the syndicate; and/or did transport property to provide and/or attempt to provide said property to another person knowing that the other person intended to use the property to further racketeering activity; and or did conspire to engage in said acts, to wit: RICHARD JOHN DEVRIES, being the charter president of the HELLS ANGELS MOTORCYCLE CLUB (HAMC), the criminal syndicate, specifically the Las Vegas, aka Las Vegas Charter located in Clark County, CAMERON TREICH being a full-patch

[1] The title of this section refers to "lack of evidence to support element of racketeering charge," however the argument in the Petition is that the "Superseding Indictment fails to provide adequate notice related to the racketeering count." So, the Court did not consider the sufficiency of the evidence regarding the racketeering count as that issue, regarding this Defendant, as it was not raised in the Petition.

> member of HAMC, TAYLOR RODRIGUEZ being a prospect and later becoming a full-patch member of HAMC, RUSSELL SMITH, STEPHEN ALO and AARON CHUN being prospects of HAMC, and RAYANN MOLLASGO AND RONERIC PADILLA being official associates, aka hangarounds, of HAMC were all involved in the operations of HAMC Las Vegas Charter, an organized charter of HAMC, a criminal syndicate, enterprise, and outlaw motorcycle gang, through the use of violence and/or conspiring to commit violence, including as alleged in the prior Counts and fully incorporated herein, and/or organizing, managing, directing, supervising and/or financing the HAMC criminal syndicate, by instructing, encouraging, coordinating, supervising and/or assisting HAMC members and/or associates to commit violence on behalf of the HAMC, including as alleged in prior counts and fully incorporated herein; and/or knowingly inciting or inducing others to commit violence in order to be promoted within the HAMC hierarchy and/or to target rival VAGOS MOTORCYCLE CLUB member(s) and associate(s); and/or transporting firearm(s), HAMC members and/or prospects to further racketeering activity; and/or engaging in racketeering activity as alleged in prior Counts and fully incorporated herein; Defendants being responsible under one or more of the following principles of criminal liability, to wit (1) by the defendants directly committing the crime; and/or (2) by the defendants aiding or abetting others in the commission of the crime; and/or (3) by the Defendants conspiring to commit the crime.

Superseding Indictment.

The Defendant argues that the State has failed to provide adequate notice relating to racketeering count as there is no specific citation or reference to the statute that supports the State's theory in this case. The Court finds that the specific language referenced in the Superseding Indictment does not specify which of the Defendants engaged in which type of criminal activities, and further does not include the specificity of the racketeering crimes. As such, Count 39 is dismissed.

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GROUND V
THERE WAS EVIDENCE PRESENTED OF AN ASSAULT RELATED TO CHAD MERRILL

The Defendant argues that the State did not present sufficient evidence to sustain a charge of Assault with a Deadly Weapon referring to Chad Merrill.[2] The Court finds that the testimony of Chad Merrill establishes slight or marginal evidence of an assault. Specifically, Merrill testified that "I was just trying to stay up and survive." GJT at 23. That testimony establishes slight or marginal evidence of reasonable apprehension of bodily harm. As such, count 37 stands.

GROUND VI
ADDITIONAL IMPROPRIETIES

A. Suggestive Identification of Mr. Devries in Handcuffs

Defendant argues that the photograph of Mr. Devries in handcuffs left the jury with the impression that he had a prior record. However, the Court finds that the clarification by the prosecutor, at the grand jury proceedings belies this claim. Specifically the prosecutor stated, "In addition to that, the fact that Mr. Devries was in handcuffs and it's been testified to that he was under arrest is not to be considered by you for any purposes whatsoever." GJT SS Vol. 1 at 63. This admonishment specifically advised the grand jury that they were not to consider that insinuation of arrest for any purpose.

B. Numerous References to the Hells Angels as a "Gang"

Defendant argues that the State's reference to the Hells Angels as a "gang" or "outlaw motorcycle gang" were improper. However, there is no indication that this information prejudiced the jury in any way, and there has been no authority cited that would entitle the Defendant to relief under a Pre-Trial Writ of Habeas Corpus, for the "gang" reference.

[2] Defendant did not make any arguments regarding the deadly weapon or criminal gang enhancements to the charge, so that was not considered by the Court.

C. In Order for the "Gang" Enhancement to Apply the State was Required to Present Evidence that the Defendant's "Common Activities" Are Engaging in Criminal Activity

The Defendant argues that the State failed to present slight or marginal evidence of the Defendant's "Common Activities" are engaging in criminal activity. The State argues that the plain reading of NRS 193.168(8)(c) establishes that the State only needs to show that the gang – not the charged individual – has "as one of its common activities," engaging in felonious conduct. While the Court agrees with the State's analysis of NRS 193.168(8)(c), the Court does not find that the State met that burden in the instant case. As such, the "gang" enhancement is dismissed as to all counts.

JOINDER IN CO-DEFENDANT'S PETITIONS FOR WRIT OF HABEAS CORPUS

Defendant requests to be joined into the Writ of Habeas Corpus Petitions filed by other defendants to the point that those arguments are not inconsistent with Mr. Devrie's position. This request is granted.

CONCLUSION

The COURT FINDS that the State presented slight or marginal evidence to sustain an Indictment on counts 12-16 of the Superseding Indictment, but not as to counts 17-36. The COURT FURTHER FINDS that counts 12-16 are not multiplicious, the Defendant's Due Process Rights were not violated, and neither were his Double Jeopardy rights. The COURT FURTHER FINDS that counts 12-16 are properly plead with regards to the State's theories of liability. The COURT FURTHER FINDS that the State presented sufficient evidence to sustain an Indictment as to counts 4 through 7. The COURT FURTHER FINDS that the grand jury found substantial bodily harm in counts 3,5,7,8, and 11 at the original grand jury proceeding. The COURT FURTHER FINDS that the State did not fail to present exculpatory evidence regarding the Vagos Motorcycle Club members being in possession of firearms and the lack of eye witness identification. The COURT FURTHER FINDS that the State's Superseding Indictment fails to present sufficient notice relating to the

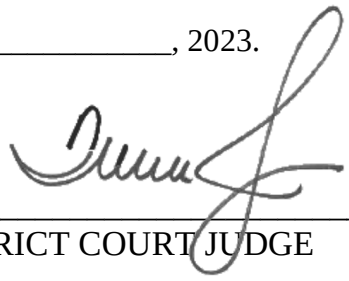
racketeering count. The COURT FURTHER FINDS that the State presented slight or marginal evidence to sustain an Indictment on the assault against Chad Merrill. The COURT FURTHER FINDS that the photograph of Mr. Devries in handcuffs and the references to the Hells Angels as a "gang" do not require a dismissal of the Superseding Indictment. The COURT FURTHER FINDS that the State did not present sufficient evidence of "common activities" of engaging in felonious conduct to support the gang enhancement.

As Defendant's Joinder was granted, any rulings relating to any of the other Co-Defendant's will also relate to this Defendant.

IT IS HEREBY ORDERED that the Defendant's Petition for Writ of Habeas Corpus, shall be, and it is, hereby GRANTED IN PART and DENIED IN PART. The State is ordered to prepare and submit an Amended Superseding Indictment in conformance with this Court's order(s) within 10 days of the filing of this Court's Order(s).

Dated this 1st day of May, 2023

IT IS SO ORDERED this _____ day of _____, 2023.



_____
DISTRICT COURT JUDGE

604 0C3 C410 A848
Tierra Jones
District Court Judge

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-365585-1
vs	DEPT. NO. Department 10
Richard Devries	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 5/1/2023

Richard Schonfeld	rschonfeld@cslawoffice.net
Rosemary reyes	rreyes@cslawoffice.net
Dept 10 Law Clerk	dept10lc@clarkcountycourts.us
Thomas Pitaro	pitaro@gmail.com
Joseph Reiff	lvtkt3887000@gmail.com
John Spilotro	amy@spilotroandkulla.com
Daniel Gilliam	PDwiznet@ClarkCountyNV.com
Lance Hendron	lance@hlg.vegas
Augustus Claus	tclaus@ataclaw.com
DA's Office	motions@clarkcountyda.com
MICHAEL DICKERSON	michael.dickerson@clarkcountyda.com

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 10, 2022**

C-22-365585-1 State of Nevada
vs
Richard Devries

June 10, 2022 **11:00 AM** **Grand Jury Indictment**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Reina Villatoro

RECORDER: Sara Richardson

REPORTER:

PARTIES PRESENT:

Dickerson, Michael	Attorney
Mercer, Elizabeth A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Alyce Wheeler, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 21CGJ100A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-22-365585-1 Department X.

State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, bail SET in the amount of $380,000.00; INDICTMENT WARRANT ISSUED, and matter SET for Arraignment.

COURT FURTHER ORDERED, Exhibits 1-9, 12-27, 43-61, and 68 to be lodged with the Clerk of the Court; Henderson Justice Court case no. 22CRH000552-001 DISMISSED per the State's request.

I.W. (CUSTODY)

06/15/22 8:30 A.M. INITIAL ARRAIGNMENT (DEPT X)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 13, 2022**

C-22-365585-1 State of Nevada
vs
Richard Devries

June 13, 2022 **1:30 PM** **Initial Arraignment**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES PRESENT:

Devries, Richard John	Defendant
Luzaich, Elissa	Attorney
Pieper, Danielle K.	Attorney
Schonfeld, Richard A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. DEVRIES RETURNED IN THE INDICTMENT WARRANT. DEFT. DEVRIES ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter SET for trial. FURTHER COURT ORDERED, 6-15-22 date VACATED.

CUSTODY (COC)

08/24/22 8:30 A.M. CALENDAR CALL

09/06/22 10:30 A.M. JURY TRIAL

Clerk's Note: See minutes from A-22-853507-W. COURT ORDERED, Bail SET at $75,000 with no

contact with the victims or their families./tb

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 24, 2022**

C-22-365585-1 State of Nevada
vs
Richard Devries

August 24, 2022 **8:30 AM** **Calendar Call**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES PRESENT:

Devries, Richard John	Defendant
Pieper, Danielle K.	Attorney
Schonfeld, Richard A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Ms. Stone present on behalf of co-deft. Alo, and Smith.

Court noted the stip and order was only filed in deft. Devries case and directed counsel to file the stip and order in the co-deft's cases. FURTHER COURT ORDERED, Jury trial VACATED. AND 11-7-22 date REMAINS.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 23, 2022**

C-22-365585-1 State of Nevada
vs
Richard Devries

September 23, 2022 11:00 AM Grand Jury Indictment

HEARD BY: Kierny, Carli **COURTROOM:** RJC Courtroom 17A

COURT CLERK: Reina Villatoro

RECORDER: Vanessa Medina

REPORTER:

PARTIES PRESENT:

Dickerson, Michael	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Dickerson requested of the Court to grant filing of the Superseding Indictment under seal and for hearing to be sealed as well until the Defendants are in custody. COURT SO ORDERED. Alyce Wheeler, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 21CGJ100A to the Court. COURT ORDERED, the Superseding Indictment may be filed and is assigned Case Number C-22-365585-1, Department X.

Mr. Dickerson requested a no bail warrant and argued extensively as to the history and facts of the case. COURT FURTHER ORDERED, NO BAIL INDICTMENT WARRANT ISSUED.

COURT FURTHER ORDERED, Exhibits 1a, 1b, 2a, 4a, 5a, 6a, 28-42, 62-67, 69-86, 86a, 87-152, 154-180 to be lodged with the Clerk of the Court; Exhibits 1-9, 12-27, 43-61, and 68 were previously lodged with the Clerk of the Court; Exhibits 10, 11, and 153 were withdrawn by the state;

I.W. (NIC)

CLERK'S NOTE: Subsequent to Court, COURT ORDERED, The superseding indictments,

superseding indictment warrants, Minute Orders, Hearing, and cases 4-8 were ordered to be sealed. /rgv/09/27/22

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 03, 2022**

C-22-365585-1 State of Nevada
vs
Richard Devries

October 03, 2022 **8:30 AM** **Motion**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Victoria Boyd

REPORTER:

PARTIES PRESENT:

Devries, Richard John	Defendant
Dickerson, Michael	Attorney
Pieper, Danielle K.	Attorney
Schonfeld, Richard A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Co-Deft.'s Russell Smith, Cameron Treich, Arron Chun and Roneric Padilla were present. Co-Deft. Stephen Alo not present. Thomas Pitaro and Kendall Stone, Esq present for Co-Deft.'s Smith. and Alo. John Spilotro, Esq. present for Deft. Chun

Court noted this matter has not been scheduled for a superseding indictment return but was on for a Motion to Recall the Superseding Indictment Warrant. Arguments by Mr. Schonfeld, Mr. Pitaro in favor of the motion to recall the warrant and in opposition by Mr. Dickerson. Colloquy as to the proceedings at the superseding indictment hearing. COURT stated its FINDINGS and ORDERED, Motion to Recall Superseding Indictment Warrant DENIED, Deft. REMANDED into custody and bail RESET at $250,000.00 and no contact with the victim or the families. Mr. Schonfeld inquired if the current $75,000.00 bond could be used towards the new bail amount. COURT FURTHER ORDERED, $75,000.00 bond would be TRANSFERRED towards the $250,000.00 bail. COURT ADDITIONALLY ORDERED, Valdez-Jimenez hearing SET.

Following a sidebar, COURT ORDERED,the superseding indictment, superceding indictment warrant and superseding indictment transcripts UNSEALED for all Defendants on calendar today.

CUSTODY

10/06/2022 1:30 PM HEARING: VALDEZ-JIMENEZ HEARING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 06, 2022**

C-22-365585-1 State of Nevada
vs
Richard Devries

October 06, 2022 **1:30 PM** **Hearing**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES PRESENT:

Allmon, Michael Donovan	Attorney
Devries, Richard John	Defendant
Dickerson, Michael	Attorney
Pieper, Danielle K.	Attorney
Schonfeld, Richard A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Mr. Thomas Pitaro, Esq. present on behalf of Co-Deft. Smith and Co-Deft. Alo; Mr. Lance Hendron, Esq. on behalf of Co-Deft. Treich; Mr. John Spilotro, Esq. on behalf of Co-Deft. Chun; Mr. Dan Gilliam, Esq. on behalf of Co-Deft. Padilla.

Mr. Spilotro not present. Colloquy regarding the transcripts, unsealing the transcripts, and Orders by other Courts. COURT ORDERED, any Transcripts SEALED, are to be UNSEALED; Court did not see any reason to unseal the JAVs as well. As to any transcripts SEALED in Department 30, a Court Order will need to be submitted. Mr. Spilotro now present; all other parties present as before. Argument by Mr. Dickerson regarding the events related to the incident, risk to the safety of the community, criminal history of the parties involved and Hell's Angels Club inside and outside of Nevada, and the risk of flight, and changes and amendments to the Deft's. "patches" since the incident particularly the addition of the "filthy few" patch.

Mr. Dickerson argued the incident was a mass shooting that happened on a holiday weekend on the freeway; this is not a self defense claim by Deft's. Extensive arguments by counsel regarding their Deft's. right to a Valdez-Jimenez Hearing and setting of reasonable bail, lack of risk of flight, provision of the Markum Notices, and their individual custody status' . Mr. Schonfeld argued State is arguing Deft. Devries is a lifetime member of the Hells Angels however Deft. does not have a criminal history. Mr. Schonfeld requested Court reinstate Deft. Devries $75,000.00 bail; Deft. should be released without any additional conditions. Upon Court's inquiry, Mr. Schonfeld confirmed Court stated at the prior hearing Deft. Devries bail should be transferred, not exonerated.

Argument by Mr. Pitaro Deft. Smith is a Marine who was honorably discharged; there is no change to Deft's. circumstances. Deft. Smith is not a flight risk or danger to the community. Mr. Hendron argued Deft. Treich is being illegally detained as State failed to follow their simplest obligation and obtain a True Bill. Mr. Hendron requested a copy of Deft's. Indictment, Deft. could be released. Counsel would have five days to see if there is any exculpatory evidence to present to the Grand Jury. Upon Court's inquiry, Mr. Dickerson stated there was an Order by the District Court to prevent the Markum Notice on these Deft's. Colloquy regarding provision of the original Markum Notices and the Grand Jury Hearing before Judge Wiese. Mr. Hendron requested an Own Recognizance (O.R.) release for Deft. Treich with no additional conditions.

Mr. Spilotro argued on behalf of Deft. Chun with regard to the lack of Markum Notice and the required 48-hour hearing to address bail; noting Deft. was arrested at the place of employment and was a trusted member of the military. Adding Deft. Chun his children and elderly mother rely on him solely to take care of them. Mr. Spilotro further argued there were no witness statements referencing an Asian male. Mr. Spilotro requested contact be allowed for the purpose of joint defense purposes.

Mr. Gilliam argued with regard to Deft. Padilla's prior criminal history; Deft. had DUI's eleven and thirteen years ago. Adding, he did not know Deft. was in custody; a Judge determined Deft. should get an O.R. risk. Deft. is not a flight risk or danger to community. State conceded Deft. Padilla was not present when the shooting occurred. Mr. Gilliam requested Court reinstate Deft. Padilla's O.R. Release. Colloquy regarding Deft's. pending Henderson case and transportation of Deft. to the Clark County Detention Center. Mr. Pitaro argued this has been very stressful for Deft. Alo and his wife and may have gotten a little out of hand. Counsel is not concerned with Deft. Alo's Domestic Violence case; he is concerned about that cases impact here and Deft. may lose his job. Deft. has lived here all his life; Deft. and his family live here and he has good family ties. Mr. Pitaro requested Deft's. bail of $75,000.00 is transferred here and Deft. be released. Upon Court's inquiry if there is an Order Deft. Alo stay away from his wife, Mr. Pitaro stated he is not aware of one.

Mr. Reiff stated he will not concede that any of these Deft's. are members of a criminal activity, and argued Deft. Rodriguez with regard to Deft's. prior criminal and employment history. Mr. Reiff argued Deft. Rodriguez has been in the community a long time, he has a job; Deft. has limited criminal history. There is no indication of an anger problem or conduct that would expose the community to danger. Mr. Dickerson reiterated the no contact with Hell's Angel or their members

request by State; State has no opposition if counsel is present and Deft's are meeting for the purpose of their defense.

Further argument and colloquy regarding the Grand Jury transcript and eye witness testimony presented identifying Deft. Devries. COURT STATED FINDINGS, and FURTHER ORDERED, as follows:

With regard to Deft. Devries, Bail SET at $100,000.00; $75,000 as to Count 1 and $25,000.00 total for Counts 2-36. No monitoring imposed. The $75,000.00 bail as to Count 1 has already been posted and is to be TRANSFERRED from the bail previously imposed. The remaining bail balance is $25,000.00 for Counts 2-36. If anything changes after the Court hears the Writ, either counsel can readdress the bail at that time.

With regard to Deft. Smith, Bail SET $100,000.00; $75,000.00 as to Count 1 and $25,000.00 total for Counts 2-36. The $75,000.00 bail as to Count 1 has already been posted and is to be TRANSFERRED from the bail previously imposed. The remaining bail balance is $25,000.00 for Counts 2-36. The 10.12.22 Hearing is VACATED.

With regard to Deft. Treich, Bail SET $100,000.00; $75,000.00 as to Count 1 and $25,000.00 total for Counts 2-36. Court does not have all the facts as to the 48-hour hearing issue, Court does not know why Deft. was not set for the first available date. The Court was available. As to the Markum issue; that issue can be relitigated once a Motion is filed.

With regard to Deft. Chun, Bail SET $100,000.00; $75,000.00 as to Count 1 and $25,000.00 total for Counts 2-36. Court does not have all the facts as to the Markum issue; that issue can be relitigated once a Motion is filed. Court does not have all the facts as to the 48-hour hearing issue, Court does not know why Deft. was not set for the first available date. The Court was available. As to the Markum issue; that issue can be relitigated once a Motion is filed.

With regard to Deft. Padilla, Bail SET $25,000.00 cash or surety as to all Counts. COURT FINDS Deft. Padilla is differently situated than the other Deft's. as there is no allegations Deft. Padilla was present at the scene of what took place in this case.

With regard to Deft. Alo, Bail SET $100,000.00; $75,000 as to Count 1 and $50,000 total for Counts 2-36. Deft. has not stayed out of trouble since the last time Deft. appeared before the Court. The 10.12.22 date is VACATED. Matter SET for Arraignment. State to prepare a Transport Order.

With regard to Deft. Rodriguez, Bail SET $100,000.00; $75,000.00 as to Count 1 and $25,000.00 total for Counts 2-36.

For all Deft's. COURT ADDITIONALLY ORDERS, (1) No weapons; (2) No Alcohol; (3) No Drugs; (4) No contact with co-defendants unless it is for a joint meeting with defense counsel.

DEFT. DEVRIES ARRAIGNED, PLED NOT GUILTY, and WAIVE the 60-DAY RULE. COURT ORDERED, matter SET for trial. CONFERENCE AT BENCH. Counsel has 21 days from the filing of the Grand Jury transcript or today's date, whichever is later, to file a Writ.

CUSTODY

12.05.22 8:30 A.M. CALENDAR CALL

12.12.22 10:30 A.M. JURY TRIAL

CLERK'S NOTE: This minute order was prepared utilizing the JAVS recording. /sb 10.07.22

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 10, 2022**

C-22-365585-1 State of Nevada
vs
Richard Devries

October 10, 2022 **8:30 AM** **Arraignment Continued**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES PRESENT:

Devries, Richard John	Defendant
Dickerson, Michael	Attorney
Pieper, Danielle K.	Attorney
Spilotro, John V	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Mr. Spilotro present on behalf of co-deft. Chun, and standing in for Mr. Schonfeld on behalf of deft. Devries, Mr. Pitaro present on behalf of co-deft. Smith, Mr. Hendron present on behalf of co-deft. Treich. Mr. Reiff present on behalf of co-deft. Rodriguez.

Court noted the Court put this matter on to clarify what defts were arraigned on and to clarify the bail.
DEFT. DEVRIES RE- ARRAIGNED, PLED NOT GUILTY. COURT ORDERED, previous WAIVER as to the 60-DAY RULE, REMAINS. FURTHER COURT ORDERED, trial date and calendar call STANDS. FURTHER COURT ORDERED, as to the bail, BAIL was previously SET and REMAINS as to COUNT - 1 at $75,000. As to COUNTS - 2-37 & 39 at $25,000, which has been posted, and REMAINS with the following conditions: No possessing any weapons, no consuming any alcohol, no consuming any drugs, and no contact with any co-defts unless a joint meeting with counsel. Mr. Reiff requested 21 days from the filing of the transcript to file any writs. COURT ORDERED, Counsel has 21 days from today to file any writs, as the transcript was sealed and deft. did not have access to it.

FURTHER COURT ORDERED, Discovery request, GRANTED.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 11, 2022**

C-22-365585-1 State of Nevada
vs
Richard Devries

October 11, 2022 **1:15 PM** **Minute Order**

HEARD BY: Jones, Tierra **COURTROOM:** Chambers

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Pursuant to a request from the District Attorney s Office, this case and the documents contained therein are unsealed.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **November 07, 2022**

C-22-365585-1 State of Nevada
vs
Richard Devries

November 07, 2022 **8:30 AM** **Petition for Writ of Habeas Corpus**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES PRESENT:

Devries, Richard John	Defendant
Pieper, Danielle K.	Attorney
Schonfeld, Richard A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

-

- APPEARANCES CONTINUED: Mr. Pitaro present on behalf of co-deft. Alo, and co-deft. Smith, Mr. Schonfeld on behalf of deft. Devries. Also present, Mr. Hendron, Mr. Spilotro, Mr. Gilliam and Mr. Claus.

Ms. Pieper advised the parties agreed to a writ schedule, but have not come up with a deadline. Court noted this trial is not going forward, however, the defendants need to be here to discuss the waiver and to re-set the trial. COURT ORDERED, trial date VACATED and calendar call on 12-05-22 will be a status check on the writ and trial setting. Court directed the parties to come up with a date.

BOND

12/05/22 8:30 A.M. WRIT....TRIAL SETTING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 05, 2022**

C-22-365585-1 State of Nevada
vs
Richard Devries

December 05, 2022 8:30 AM Status Check

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Vanessa Medina

REPORTER:

PARTIES PRESENT:

Pieper, Danielle K.	Attorney
Spilotro, John V	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Mr. Hyte present on behalf of co-deft. Padilla. Mr. Spilotro present on behalf of co-deft. Chun. Mr. Hendron present on behalf of co-deft. Treich. Mr. Pitaro on behalf of co-deft. Smith and co-deft. Alo. Mr. Spilotro standing in for Mr. Schonfeld on behalf of deft. Devries. Mr. Claus present on behalf of Mollasgo. Mr. Reiff present on behalf of co-deft. Rodriguez.

Upon Court's inquiry, Ms. Pieper advised the state is going to be waiving any time constraints related to the writ. Court noted the Court signed the Stip and Order, however, it only went into one case. Ms. Pieper advised the State is extending that to all defendants, so all defendants will be filing their writs by 1-17-23. Further, the state requested 45 days to respond. COURT ORDERED, the state's opposition deadline will be 3-6-23 and the reply will be due by 3-20-23. FURTHER COURT ORDERED, hearing SET on a special setting on the date given. Upon Court's inquiry, co-deft. Mollasgo and co-deft. Padlilla WAIVED their right to speedy trial. FURTHER COURT ORDERED, trial date VACATED. Ms. Pieper advised there's been some issues with regards to discovery and requested counsel e-mail her and Mr. Dickerson, however, she will be leaving the team on 1-09-23. Court directed counsels to file a discovery motion if needed. Mr. Pitaro advised he'll be filing a motion for return of property.

Court directed counsel to file the motion and list all defendants and file in every case. Mr. Claus to prepare the Stip and Order and submit in regards to all deft's and the Court will get that filed in every case. FURTHER COURT ORDERED, 12-07-22 date VACATED in regards to co-deft. Mollasgo, and there will be a supplemental writ to be heard on the same date given for all deft's to be heard in March.

BOND

03/31/23 9:00 A.M. HEARING: WRIT

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 30, 2023**

C-22-365585-1 State of Nevada
vs
Richard Devries

January 30, 2023 **8:30 AM** **Motion**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Kory Schlitz
Serenity Sivongsa

RECORDER: Victoria Boyd

REPORTER:

PARTIES PRESENT:

Devries, Richard John	Defendant
PORTZ, KENNETH	Attorney
Schonfeld, Richard A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant RICHARD DEVRIES present out of custody represented by Richard Schonfeld, Esq.; Defendant CAMERON TREICH, not present represented by Lance Hendron, Esq.

COURT ORDERED, Defendant's Joinder in Co-Defendant Richard Devrie s Motion for Return of Seized Property is GRANTED with regards to joining the motion. Mr. Schonfled argued that a motorcycle and an electronic device was seized from the Defendant without a warrant. Mr. Portz argued the items that were seized were used in the commission of multiple felonies and were seized properly. Mr. Portz further argued the Motion does not mention Defendant Treich's property, therefore believes he does not have a standing in this instance. Mr. Hendron argued the Defendant has two motorcycles that were seized alongside the co-defendant. COURT DIRECTED Mr. Hendron to file a separate motion for his client's property, and ORDERED, RULING RESERVED; a written decision to be filed within a week.

BOND

3/31/23 9:00 AM JOINDER TO PETITIONS FOR WRIT OF HABEAS CORPUS FILED BY DEFENDANTS RUSSEL SMITH, STEVEN ALO, TAYLOR RODRIGUEZ, CAMERON TREICH, AARON CHUNN, AND RAYANN MOLLASGO...PETITION FOR WRIT OF HABEAS CORPUS...

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 31, 2023**

C-22-365585-1 State of Nevada
vs
Richard Devries

March 31, 2023 **9:00 AM** **All Pending Motions**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Samantha Albrecht

RECORDER: Victoria Boyd

REPORTER:

PARTIES PRESENT:

Allmon, Michael Donovan	Attorney
Devries, Richard John	Defendant
Dickerson, Michael	Attorney
Schonfeld, Richard A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- PETITION FOR WRIT OF HABEAS CORPUS...JOINDER TO PETITIONS FOR WRIT OF HABEAS CORPUS FILED BY DEFENDANTS RUSSELL SMITH, STEVEN ALO, TAYLOR RODRIGUEZ, CAMERON TREICH, AARON CHUN, AND RAYANN MOLLASGO

APPEARANCES CONTINUED: Co-Defendant Russell Smith and Stephen Alo also present, represented by Thomas Pitaro, Esq. and Kendall Stone, Esq.; Co-Defendant Cameron Treich also present represented by Lance Hendron, Esq.; Co-Defendant Taylor Rodriguez also present represented by Joseph Reiff, Esq.; Co-Defendant Aaron Chun also present represented by John Spilotro, Esq.; Co-Defendant Rayann Mollasgo not present, represented by Augustus Claus, Esq.; Co-Defendant Roneric Padilla also present, represented by the Public Defender, who was not present.

Mr. Dickerson noted they had not received three of the Replies from Alo, Smith and Rodriguez. Court stated it would not address any new issues brought up in the Replies. Colloquy regarding the two filings by Mr. Schonfeld. COURT ORDERED, Joinder GRANTED. Court noted it had read the

Petition, the State's Return and the Reply. Argument by Mr. Schonfeld regarding the 25 identical counts, jeopardy, substantial bodily harm, exculpatory evidence, the racketeering charge, criminal syndicate and criminal enterprise, and Count 37. Argument in response by Mr. Dickerson and Mr. Allmon. Court stated it needed to obtain the videos from the Grand Jury from the Clerk's Office and advised it had not issued a written decision regarding the forfeiture as it was tied to this Petition, however it would issue a decision on both the Petition and Motion at the same time. Court directed counsel to submit their facts section from each Petition in Word to the Department Law Clerk. COURT FURTHER ORDERED, status check SET regarding the decisions.

BOND

5/3/2023 8:30 AM STATUS CHECK: DECISIONS ON PETITION AND MOTION

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 02, 2023**

C-22-365585-1 State of Nevada
vs
Richard Devries

May 02, 2023 **7:55 AM** **Minute Order**

HEARD BY: Jones, Tierra **COURTROOM:** Chambers

COURT CLERK: Kory Schlitz

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Following review of the papers and pleadings on file herein and considering the arguments of counsel, the COURT ORDERS that Defendant s Motion for Return of Seized Property is DENIED. Pursuant to NRS 179.1165, property is subject to seizure by a law enforcement agency without process if the seizure is incident to arrest or a search pursuant to a search warrant or if the law enforcement agency had probable cause to believe that the property is subject to forfeiture. NRS 179.1165(2). Further, NRS 179.085(1)(e), which provides in pertinent part, that [a] person aggrieved by an unlawful search and seizure or the deprivation of property may move the court having jurisdiction where the property was seized for the return of the property on the ground that [r]etention of the property by law enforcement is not reasonable under the totality of the circumstances.

Here, Defendant seeks the return of his motorcycle and 4 electronic devices a black Samsung Galaxy S-9 phone, an Apple laptop, a Dell Laptop, and an Apple iPad. The State argues that the seizure of those items was in compliance with NRS 179.1165 and NRS 179.121. The Court agrees, in part. As the Court has dismissed the racketeering charges, the Court finds that NRS 179.121 is in applicable in the instant case. However, the Court finds that he seizure was in compliance with NRS 179.1165. The Court further finds that the evidence admitted at the grand jury indicates that the motorcycle and possibly the electronic devices were involved in the criminal activity alleged in the instant offense,

and therefore has possible evidentiary value. As such, the Court find that at this juncture the seizure is not unreasonable since the case has not gone to trial and the items have not been seized for an unreasonable amount of time.

The State is ordered to prepare an order consistent with this Court s order and submit it for signature within ten (10) days of this Court s order.

CLERK'S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (5-2-2023 ks).

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 03, 2023**

C-22-365585-1 State of Nevada
vs
Richard Devries

May 03, 2023 **8:30 AM** **Status Check** **Status Check: Decisions on Petition and Motion**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Kory Schlitz
Terinda Mang

RECORDER: Victoria Boyd

REPORTER:

PARTIES PRESENT:

Devries, Richard John	Defendant
Dickerson, Michael	Attorney
Schonfeld, Richard A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant DEVRIES present out of custody represented by Richard Schonfeld Esq.; Defendant SMITH present out of custody represented by Thomas Pitaro Esq.; Defendant ALO present out of custody represented by Thomas Pitaro Esq.; Defendant TREICH not present out of custody represented by Lance Hendron Esq.; Defendant RODRIGUEZ present out of custody represented by Joseph Reiff Esq.; Defendant CHUN present out of custody represented by John Spilotro Esq; Defendant MOLLASGO present out of custody represented by T. Augustus Claus Esq.; Defendant PADILLA present out of custody represented by Deputy Public Defender Jeremy Storms.

Mr. Hendron stated that Defendant TREICH is not present. COURT DIRECTED Mr. Hendron to file a written acknowledgment of trial date. COURT ADVISED they issued a written decision on the Petition. Mr. Schonfeld requested an Amended Superseding Indictment be filed consistent with the

Court's order, where it is dismissing some of the charges before setting the trial date. Upon Court's inquiry, Mr. Dickerson stated his office is still having conversations about this case in their office, and requested ten days to file the document. COURT DIRECTED, Mr. Dickerson to file an Amended Superseding Indictment WITHIN TEN (10) DAYS; matter SET for status check.

BOND

5/15/2023 8:30 A.M. STATUS CHECK: TRIAL SETTING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 15, 2023**

C-22-365585-1 State of Nevada
vs
Richard Devries

May 15, 2023 **8:30 AM** **Status Check: Trial Setting**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Haly Pannullo
Terinda Mang

RECORDER: Victoria Boyd

REPORTER:

PARTIES PRESENT:

Allmon, Michael Donovan	Attorney
Devries, Richard John	Defendant
Dickerson, Michael	Attorney
Schonfeld, Richard A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant DEVRIES present out of custody represented by Richard Schonfeld Esq.; Defendant SMITH present out of custody represented by Kendal Stone Esq.; Defendant ALO present out of custody represented by Kendal Stone Esq.; Defendant TREICH present out of custody represented by Lance Hendron Esq.; Defendant RODRIGUEZ not present out of custody represented by Richard Schonfeld Esq.; Defendant CHUN present out of custody represented by John Spilotro Esq; Defendant MOLLASGO present out of custody represented by T. Augustus Claus Esq.; Defendant PADILLA present out of custody represented by Deputy Public Defender Daniel Gilliam.

Mr. Schofeld stated that Defendant RODRIGUEZ is not present and requested to WAIVE his presence. COURT ORDERED, Defendant RODRIGUEZ presence WAIVED; a written acknowledgment as to the trial dates is to be provided. Colloquy regarding potential trial dates. COURT ORDERED, matter SET for Jury Trial.

BOND

5/20/24 8:30 A.M. CALENDAR CALL

5/28/24 10:30 A.M. JURY TRIAL

CASE NO. C-22-365585-1,2,3
DEPT. NO. X
CDDA DANIELLE K. PIEPER (GANG)
CDDA MICHAEL R. DICKERSON (GANG)

Defendant(s): RICHARD JOHN DEVRIES, #3001333
RUSSELL SMITH, aka, Russell D. Smith, #8471821
STEPHEN ALO, aka, Steven Michael Alo, #1206617

Case No(s): 21CGJ100A-C (RANDOMLY TRACKS TO DC II, VI, X)

Charge(s): (1) CT - CONSPIRACY TO COMMIT MURDER (Category B Felony - NRS 200.010, 200.030, 199.480 - NOC 50038),
(5) CTS - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031),
(5) CTS - BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.481 - NOC 50223) and
(25) CTS - DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE (Category B Felony - NRS 202.285 - NOC 51442)

Def. Counsel(s): DEVRIES – RICHARD SCHONFELD
SMITH – THOMAS PITARO
ALO – THOMAS PITARO

WARRANTS (1 WEEK):
DEVRIES -
SMITH –
ALO –

DEFT'S ARE IN CUSTODY (22CRH000552 – PH 6/15 IN HJC 3)

HJC CASES TO BE DISM'D: 22CRH000552-0001, 0002, 0003

Exhibits:

1. Proposed Indictment
2. Jury Instructions
3. USB
4. Aerial Map
5. Aerial Map
6. Aerial Map
7. Photo
8. Photo
9. Photo
10. Withdrawn
11. Withdrawn
12. Photo
13. Photo
14. Photo PACKET
15. Photo Packet
16. Photo Packet
17. Photo
18. Photo Packet
19. Photo
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25. Photo
26. Photo
27. Photo Packet
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32. Withdrawn
33. Withdrawn
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35. Withdrawn
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42. Withdrawn
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44. Photo Packet
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47. Photo PACKET
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Exhibits 1 - 9, 12 – 27, 43 – 61 & 68 to be lodged with the Clerk of the Court.
Exhibits 10, 11, 28 – 42, 62 – 67 & 69 – 90 exhibits were withdrawn by the DA.

9/23/22

CASE NO. C-22-365585-1,2,3,4,5,6,7,8

DEPT. NO. X
CDDA DANIELLE K. PIEPER (GANG)
CDDA MICHAEL R. DICKERSON (GANG)

**** TO BE FILED UNDER SEAL ****
COURT GRANTED HEARING SEALED AND INDICTMENT TO BE FILED UNDER SEAL

**** SUPERSEDING ADDING COUNTS AND DEFENDANTS ****

Defendant(s): RICHARD JOHN DEVRIES, #3001333,
RUSSELL SMITH, aka, Russell D. Smith, #8471821,
STEPHEN ALO, aka, Steven Michael Alo, #1206617.
CAMERON TREICH (DOB: 3/28/1988)
TAYLOR RODRIGUEZ, aka, Taylor Michael Rodriguez, #2795528,
AARON CHUN, #7528047
RAYANN MOLLASGO, aka, Rayann Fillado Mollasgo, #7085874
RONERIC PADILLA, aka, Roneric Dejesus Padilla, #8579429

Case No(s): 21CGJ100A-H (TRACKS TO DC X)

Charge(s): AS TO DEFS DEVRIES, SMITH, ALO, TREICH, RODRIUGEZ, CHUN, MOLLASGO -
(1) CT - CONSPIRACY TO COMMIT MURDER (Category B Felony - NRS 200.010, 200.030, 199.480 - NOC 50038),
(5) CTS - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A CRIMINAL GANG (Category B Felony - NRS 200.010, 200.030, 193.153, 193.165, 193.168 - NOC 50034),
(5) CTS - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A CRIMINAL GANG (Category B Felony - NRS 200.481, 193.165, 193.168 - NOC 50228);
(25) CTS - DISCHARGING FIREARM AT OR INTO OCCUPIED VEHICLE WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A CRIMINAL GANG (Category B Felony - NRS 202.285, 193.168 - NOC 51443);
(1) CT - ASSAULT WITH A DEADLY WEAPON WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST A CRIMINAL GANG (Category B Felony - NRS 200.471, 193.168 - NOC 50203);
(1) CT - RACKETEERING (Category B Felony – NRS 207.350, 207.360, 207.370, 207.380, 207.390, 207.400 – NOC 53190)

AS TO DEF PADILLA
(1)CT - ACCESSORY TO A FELONY - NRS 200.010, 200.030, 193.153, 200.481, 193.165, 193.168, 195.030, 195.040 - NOC 53090)
(1) CT - RACKETEERING (Category B Felony – NRS 207.350, 207.360, 207.370, 207.380, 207.390, 207.400 – NOC 53190)

Def. Counsel(s): DEVRIES – RICHARD SCHONFELD
SMITH – THOMAS PITARO/KENDALL STONE
ALO – THOMAS PITARO/KENDALL STONE
TREICH – UNKNOWN
RODRIGUEZ – UNKNOWN
CHUN – UNKNOWN
MOLLASGO – UNKNOWN
PADILLA - UNKNOWN

WARRANTS (1 WEEK)
DEVRIES – NO BAIL WARRANTS
SMITH –
ALO –

TREICH –
RODRIGUEZ –
CHUN –
MOLLASGO –

$250K BAIL W/ HLEMP, NO ASSOCIATION W/ HELLS ANGELS, MOTORCYCLE GANGS, NO CONTACT W/ VICTIMS, OR CO DEFTS, NO ALCHOL CONSUMPTION

PADILLA - $100K BAIL BAIL W/ HLEMP, NO ASSOCIATION W/ HELLS ANGELS, MOTORCYCLE GANGS, NO CONTACT W/ VICTIMS, OR CO DEFTS, NO ALCHOL CONSUMPTION

NO RETURN DATE PER THE STATE'S REQUEST.

DEFT DEVRIES IS NOT IN CUSTODY (C365585-1 – PWHC 11/7/22 DC 10)

DEFT SMITH IS NOT IN CUSTODY (C365585-2 - ARGUMENT 11/7/22 DC 10)

DEFT ALO IS NOT IN CUSTODY (C365585-3 – PWHC 11/7/22 DC 10)

Exhibits:

1. **Proposed Indictment**
   1a. **Superseding Indictment**
   1b. **Superseding Indictment**
2. **Jury Instructions**
   2a. **Jury Instructions**
3. **USB**
4. **Aerial Map**
   4a. **Aerial Map**
5. **Aerial Map**
   5a **Aerial Map**
6. **Aerial Map**
   6a. **Aerial Map**
7. **Photo**
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87. JOC KM
88. JOC KM
89. JOC KM
90. Indictment KM
91. Photo KM
92. Photo KM
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102. Withdrawn –
103. Withdrawn –
104. CD/DVD KM
105. Copy of Notebook KM
106. Agreement KM
107. Document KM
108. Document KM
109. CD KM
110. Aerial Map KM
111. Aerial Map KM
112. CD KM
113. CD KM
113a Certificate KM
114. Photo KM
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179. Map KM
180. USB Drive KM

Exhibits 1a, 1b, 2a, 4a, 5a, 6a, 28-42, 62-67, 69-86, 86a, 87 -152, 154-180 to be lodged with the Clerk of the Court.
Exhibits 1 - 9, 12 – 27, 43 – 61 & 68 previously lodged with the Clerk of the Court.
Exhibits 10, 11, & 153 exhibits were withdrawn by the DA.

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

DATE: May 25, 2023
CASE: C-22-365585-1

RE CASE: STATE OF NEVADA vs. RICHARD JOHN DEVRIES

NOTICE OF APPEAL FILED: May 25, 2023

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2

☐ Order

☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

> "The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; ORDER FOR TRANSCRIPT; ORDER FOR TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; ORDER GRANTING IN PART, AND DENYING IN PART, DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

RICHARD JOHN DEVRIES,

Defendant(s).

Case No: C-22-365585-1

Dept No: X

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 25 day of May 2023.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk